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TITLE 2. DISTRICT BOARDS AND COMMISSIONS.

Chapter

- 1. Accountants [Repealed].
- 2. Architects [Repealed].
- 4A. Barbers and Cosmetologists [Repealed].
- 21. Plumbers [Repealed].
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CHAPTER 1. ACCOUNTANTS.

Sec.

2-101 to 2-125. [Repealed].

§ 2-101. Purpose.

Repealed.

(1973 Ed., § 2-942; Mar. 16, 1978, D.C. Law 2-59, § 3, 24 DCR 5975; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No.

12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

Revision of chapter. — Former Chapter 1 of this title containing §§ 2-101 through 2-125 was repealed by § 1234 of D.C. Law 12-261. As to provisions concerning the licensure of public accountants, see § 47-2853.41.

§ 2-102. Definitions.

Repealed.

(1973 Ed., § 2-942; Mar. 16, 1978, D.C. Law 2-59, § 3, 24 DCR 5975; July 23, 1994, D.C. Law 10-38, § 80(a), 41 DCR 3010; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See note to § 2-101.

Revision of chapter. — See note to § 2-101.

§ 2-103. Board of Accountancy.

Repealed.

(1973 Ed., § 2-943; Mar. 16, 1978, D.C. Law 2-59, § 4, 24 DCR 5975; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter.** — See note to § 2-101.
note to § 2-101.

§ 2-104. Fees.

Repealed.

(1973 Ed., § 2-943; Mar. 16, 1978, D.C. Law 2-59, § 5, 24 DCR 5975; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter.** — See note to § 2-101.
note to § 2-101.

§ 2-105. Use of title or designation — Acts declared unlawful.

Repealed.

(1973 Ed., § 2-945; Mar. 16, 1978, D.C. Law 2-59, § 6, 24 DCR 5975; July 23, 1994, D.C. Law 10-38, § 80(b), 41 DCR 3010; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter.** — See note to § 2-101.
note to § 2-101.

§ 2-106. Same — Exceptions.

Repealed.

(1973 Ed., § 2-946; Mar. 16, 1978, D.C. Law 2-59, § 7, 24 DCR 5975; July 23, 1994, D.C. Law 10-38, § 80(c), 41 DCR 3010; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter.** — See note to § 2-101.
note to § 2-101.

§ 2-107. Certified public accountants — Requirements.

Repealed.

(1973 Ed., § 2-947; Mar. 16, 1978, D.C. Law 2-59, § 8, 24 DCR 5975; Sept. 8, 1995, D.C. Law 11-40, § 2, 42 DCR 3275; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter.** — See note to § 2-101.
note to § 2-101.

§ 2-108. Same — Temporary certificate and permit.

Repealed.

(1973 Ed., § 2-948; Mar. 16, 1978, D.C. Law 2-59, § 9, 24 DCR 5975; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter.** — See note to § 2-101.
note to § 2-101.

§ 2-109. Registration — Public accountants.

Repealed.

(1973 Ed., § 2-949; Mar. 16, 1978, D.C. Law 2-59, § 10, 24 DCR 5975; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter.** — See note to § 2-101.
note to § 2-101.

§ 2-110. Same — Foreign accountants.

Repealed.

(1973 Ed., § 2-950; Mar. 16, 1978, D.C. Law 2-59, § 11, 24 DCR 5975; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter.** — See note to § 2-101.
note to § 2-101.

§ 2-111. Same — Firms composed of certified public accountants.

Repealed.

(1973 Ed., § 2-951; Mar. 16, 1978, D.C. Law 2-59, § 12, 24 DCR 5975; July 23, 1994, D.C. Law 10-38, § 80(d), 41 DCR 3010; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter.** — See note to § 2-101.
note to § 2-101.

§ 2-112. Same — Firms composed of public accounts.

Repealed.

(1973 Ed., § 2-952; Mar. 16, 1978, D.C. Law 2-59, § 13, 24 DCR 5975; July 23, 1994, D.C. Law 10-38, § 80(e), 41 DCR 3010; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter.** — See note to § 2-101.
note to § 2-101.

§ 2-113. Same — Offices.

Repealed.

(1973 Ed., § 2-953; Mar. 16, 1978, D.C. Law 2-59, § 14, 24 DCR 5975; July 23, 1994, D.C. Law 10-38, § 80(f), 41 DCR 3010; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter.** — See note to § 2-101.
note to § 2-101.

§ 2-114. Annual permits to practice.

Repealed.

(1973 Ed., § 2-954; Mar. 16, 1978, D.C. Law 2-59, § 15, 24 DCR 5975; July 23, 1994, D.C. Law 10-38, § 80(g), 41 DCR 3010; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter.** — See note to § 2-101.
note to § 2-101.

§ 2-115. Revocation or suspension of certificate or registration or permit.

Repealed.

(1973 Ed., § 2-955; Mar. 16, 1978, D.C. Law 2-59, § 16, 24 DCR 5975; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter.** — See note to § 2-101.
note to § 2-101.

§ 2-116. Revocation or suspension of a firm's registration or permit.

Repealed.

(1973 Ed., § 2-956; Mar. 16, 1978, D.C. Law 2-59, § 17, 24 DCR 5975; July 23, 1994, D.C. Law 10-38, § 80(h), 41 DCR 3010; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter.** — See note to § 2-101.
note to § 2-101.

§ 2-117. Hearings before the Board; periodic review.

Repealed.

(1973 Ed., § 2-957; Mar. 16, 1978, D.C. Law 2-59, § 18, 24 DCR 5975; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter.** — See note to § 2-101.
note to § 2-101.

§ 2-118. Reinstatement.

Repealed.

(1973 Ed., § 2-958; Mar. 16, 1978, D.C. Law 2-59, § 19, 24 DCR 5975; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter. — See note to § 2-101.**
note to § 2-101.

§ 2-119. Use of title or designation — Injunction against unlawful acts.

Repealed.

(1973 Ed., § 2-959; Mar. 16, 1978, D.C. Law 2-59, § 20, 24 DCR 5975; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter. — See note to § 2-101.**
note to § 2-101.

§ 2-120. Same — Penalty.

Repealed.

(1973 Ed., § 2-960; Mar. 16, 1978, D.C. Law 2-59, § 21, 24 DCR 5975; Oct. 5, 1985, D.C. Law 6-42, § 417, 32 DCR 4450; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter. — See note to § 2-101.**
note to § 2-101.

§ 2-121. Same — Single act evidence of practice.

Repealed.

(1973 Ed., § 2-961; Mar. 16, 1978, D.C. Law 2-59, § 22, 24 DCR 5975; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter. — See note to § 2-101.**
note to § 2-101.

§ 2-122. Ownership of an accountant's working papers.

Repealed.

(1973 Ed., § 2-962; Mar. 16, 1978, D.C. Law 2-59, § 23, 24 DCR 5975; July 23, 1994, D.C. Law 10-38, § 80(i), 41 DCR 3010; Apr. 18, 1996, D.C. Law 11-110, § 6(b), 43 DCR 530; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter. — See note to § 2-101.**
note to § 2-101.

§ 2-123. Severability.

Repealed.

(1973 Ed., § 2-963; Mar. 16, 1978, D.C. Law 2-59, § 24, 24 DCR 5975; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter.** — See note to § 2-101.
note to § 2-101.

§ 2-124. Effect of repeal of prior act.

Repealed.

(1973 Ed., § 2-964; Mar. 16, 1978, D.C. Law 2-59, § 25, 24 DCR 5975; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter.** — See note to § 2-101.
note to § 2-101.

§ 2-125. Effective date.

Repealed.

(1973 Ed., § 2-965; Mar. 16, 1978, D.C. Law 2-59, § 26, 24 DCR 5975; Apr. 20, 1999, D.C. Law 12-261, § 1234, 46 DCR 3142.)

Legislative history of Law 12-261 — See **Revision of chapter.** — See note to § 2-101.
note to § 2-101.

CHAPTER 2. ARCHITECTS.*Subchapter II. Architect Licensure and Regulation.*

Sec.
2-241 to 2-298. [Repealed].

*Subchapter II. Architect Licensure and Regulation.***§ 2-241. Definitions.**

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 101, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No.

12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

Revision of chapter. — Former subchapter II of Chapter 2 of this title containing §§ 2-241 through 2-298 was repealed by § 1235 of D.C. Law 12-261. As to provisions concerning the licensure of architects, see § 47-2853.61.

§ 2-242. Architects registered or licensed under prior law.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 102, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-243. Responsibilities of the Mayor.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 103, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-251. Board of Architecture; establishment; appointment.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 201, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-252. Qualifications of members.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 202, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-253. Terms of members; filling of vacancies.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 203, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-254. Removal.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 204, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-255. Meetings; officers; quorum.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 205, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-256. Compensation.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 206, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-257. General powers and duties.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 207, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-258. Annual report.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 208, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-261. License required.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 301, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-262. Exceptions.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 302, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-263. General qualifications of applicants.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 303, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-264. Application for license.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 304, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-265. Examination requirements.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 305, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-266. License by reciprocity.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 306, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-267. Issuance of license.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 307, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-241.

Revision of chapter. — See note to § 2-241.

§ 2-268. Scope of license.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 308, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-241.

Revision of chapter. — See note to § 2-241.

§ 2-269. Term and renewal of license.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 309, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-241.

Revision of chapter. — See note to § 2-241.

§ 2-270. Reinstatement of expired license.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 310, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-241.

Revision of chapter. — See note to § 2-241.

§ 2-271. Display of license; change of address.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 311, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-241.

Revision of chapter. — See note to § 2-241.

§ 2-272. Architect's seal required.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 312, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-241.

Revision of chapter. — See note to § 2-241.

§ 2-273. Denials.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 313, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-274. Disciplinary actions.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 314, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-275. Hearings.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 315, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-276. Summary action.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 316, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-277. Cease and desist orders.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 317, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-278. Voluntary surrender of license.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 318, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-279. Judicial and administrative review.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 319, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-280. Reinstatement of a suspended or revoked license.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 320, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-281. Partnerships and corporations established for the practice of architecture.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 401, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-291. Penalties; alternative sanctions.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 501, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-292. Prosecution.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 502, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-241.
note to § 2-241.

§ 2-293. Injunctions.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 503, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-241.

Revision of chapter. — See note to § 2-241.

§ 2-294. Civil actions.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 504, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-241.

Revision of chapter. — See note to § 2-241.

§ 2-296. Transfer of personnel, records, property, and funds.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 601, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-241.

Revision of chapter. — See note to § 2-241.

§ 2-297. Board of Examiners and Registrars of Architects abolished.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 602, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-241.

Revision of chapter. — See note to § 2-241.

§ 2-298. Pending actions and proceedings; existing orders.

Repealed.

(Mar. 13, 1993, D.C. Law 9-184, § 603, 39 DCR 8208; Apr. 20, 1999, D.C. Law 12-261, § 1235, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-241.

Revision of chapter. — See note to § 2-241.

CHAPTER 3. ARMORY BOARD.

Subchapter I. General Provisions.

Sec.

2-303. Control of and jurisdiction over Armory; maintenance and repair.

2-306, 2-307. [Repealed].

2-309. [Repealed].

Subchapter II. Robert F. Kennedy Memorial Stadium.

2-321. [Repealed].

2-324, 2-325. [Repealed].

Sec.

2-327 to 2-329. [Repealed].

Subchapter III. Public Safety at Stadium and Armory.

2-341, 2-342. [Repealed].

2-343.1. Possession of disposable containers prohibited; exceptions.

2-343.2. Unauthorized entry onto stadium playing field prohibited.

Subchapter I. General Provisions.

§ 2-301. Declaration of policy.

Transfer of nonmilitary functions to Sports Commission. — Section 19 of D.C. Law 10-152, provided, in part, that the Sports Commission shall assume all nonmilitary functions of the Armory Board as are set forth in § 2-306 [repealed] and that all references to the Armory Board in Subchapter II of Chapter 3 of Title 2 are intended to be references to the Sports Commission unless the clear meaning requires otherwise.

Section 2 of D.C. Law 10-206 amended § 19 of D.C. Law 10-152 by adding (e) and (f) which contain provisions authorizing the Armory Board to exercise its nonmilitary functions and authority on an interim basis and ratifying actions taken during the interim period.

For temporary amendment of D.C. Law 10-152, authorizing the Armory Board to exercise its nonmilitary functions and authority on an interim basis, see § 2 of the Armory Board Interim Authority Emergency Amendment Act

of 1994 (D.C. Act 10-325, October 14, 1994, 41 DCR 7027) and § 2 of the Armory Board Interim Authority Congressional Adjournment Emergency Amendment Act of 1995 (D.C. Act 11-5, January 19, 1995, 42 DCR 545).

Appropriations authorized. — Public Law 104-194, 110 Stat. 2363, the District of Columbia Appropriations Act, 1997, provided for the Starplex Fund, \$8,717,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by this subchapter and subchapter II of this chapter: *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by § 47-301(b).

Immunity of Armory Board. — Congress has not authorized the Armory Board to be sued. Thus, a plaintiff must give timely notice of his injury to the Mayor in order to maintain an action. *Simmons v. District of Columbia Armory Bd.*, App. D.C., 656 A.2d 1155 (1995).

§ 2-302. Armory Board established; composition; term of office; alternates; compensation; election of Chairman. [Charter Provision].

Section references.

This section is referred to in § 1-633.7.

Transfer of nonmilitary functions to Sports Commission. — Section 19 of D.C. Law 10-152, provided, in part, that the Sports Commission shall assume all nonmilitary functions of the Armory Board as are set forth in § 2-306 [repealed] and that all references to the Armory Board in Subchapter II of Chapter 3 of Title 2 are intended to be references to the Sports Commission unless the clear meaning requires otherwise.

Section 2 of D.C. Law 10-206 amended § 19 of D.C. Law 10-152 by adding (e) and (f) which contain provisions authorizing the Armory

Board to exercise its nonmilitary functions and authority on an interim basis and ratifying actions taken by the Board during the interim period.

For temporary amendment of D.C. Law 10-152, authorizing the Armory Board to exercise its nonmilitary functions and authority on an interim basis, see § 2 of the Armory Board Interim Authority Emergency Amendment Act of 1994 (D.C. Act 10-325, October 14, 1994, 41 DCR 7027) and § 2 of the Armory Board Interim Authority Congressional Adjournment Emergency Amendment Act of 1995 (D.C. Act 11-5, January 19, 1995, 42 DCR 545).

§ 2-303. Control of and jurisdiction over Armory; maintenance and repair.

For the purposes of this subchapter, said Armory Board is vested with the control of and jurisdiction over the District of Columbia National Guard Armory. For the purposes of maintenance and repair, the Office of Contracting and Procurement shall perform all contracting on behalf of the Armory. (June 4, 1948, 62 Stat. 339, ch. 418, § 3; 1973 Ed., § 2-1703; Apr. 12, 1997, D.C. Law 11-259, § 309, 44 DCR 1423.)

Effect of amendments. — D.C. Law 11-259 rewrote the second sentence.

Legislative history of Law 11-259. — Law 11-259, the "Procurement Reform Amendment Act of 1996," was introduced in Council and assigned Bill No. 11-705, which was referred to the Committee on Government Operations. The

Bill was adopted on first and second readings on November 11, 1996, and December 12, 1996, respectively. Signed by the Mayor on January 3, 1997, it was assigned Act No. 11-526 and transmitted to both Houses of Congress for its review. D.C. Law 11-259 became effective on April 12, 1997.

§ 2-306. Authorization of Board to carry out secondary purposes of subchapter.

Repealed.

(June 4, 1948, 62 Stat. 340, ch. 418, § 6; 1973 Ed., § 2-1706; Apr. 7, 1977, D.C. Law 1-113, § 2(1), 23 DCR 8742; June 14, 1980, D.C. Law 3-70, § 7(o)(1), 27 DCR 1776; Aug. 23, 1994, D.C. Law 10-152, § 21(c), 41 DCR 4636, as added by D.C. Law 10-198, § 8(h).)

Cross references. — For provisions regarding the assumption of nonmilitary functions of the Armory Board by the Sports Commission, see § 2-4018.

Emergency act amendments. — For temporary repeal of section, see § 8(h) of the Recreation Emergency Act of 1995 (D.C. Act 11-20, February 28, 1995, 42 DCR 1175).

Transfer of nonmilitary functions to Sports Commission. — For temporary amendment of D.C. Law 10-152, authorizing the Armory Board to exercise its nonmilitary functions and authority on an interim basis, see § 2 of the Armory Board Interim Authority Emergency Amendment Act of 1994 (D.C. Act 10-325, October 14, 1994, 41 DCR 7027) and

§ 2 of the Armory Board Interim Authority Congressional Adjournment Emergency Amendment Act of 1995 (D.C. Act 11-5, January 19, 1995, 42 DCR 545).

Legislative history of Law 10-198. — Law 10-198, the "Recreation Act of 1994," was introduced in Council and assigned Bill No. 10-741, which was referred to the Committee on Public Services and Youth Affairs. The Bill was adopted on first and second readings on July 19, 1994, and October 4, 1994, respectively. Signed by the Mayor on January 13, 1995, it was assigned Act No. 10-393 and transmitted to both Houses of Congress for its review. D.C. Law 10-198 became effective on March 23, 1995.

§ 2-307. Starplex Fund.

Repealed.

(June 4, 1948, 62 Stat. 341, ch. 418, § 8; Aug. 4, 1955, 69 Stat. 498, ch. 562, § 1; July 28, 1958, 72 Stat. 423, Pub. L. 85-561, § 2(a); Sept. 23, 1959, 73 Stat. 702, Pub. L. 86-378, § 2; 1973 Ed., § 2-1708; Apr. 7, 1977, D.C. Law 1-113, § 2(2), 23 DCR 8742; June 14, 1980, D.C. Law 3-70, § 7(o)(3)-(6), 27 DCR 1776; Oct. 19, 1989, D.C. Law 8-44, § 2, 36 DCR 5777; Aug. 23, 1994, D.C. Law 10-152, § 21(c), 41 DCR 4636, as added by D.C. Law 10-198, § 8(h).)

Emergency act amendments. — For temporary repeal of section, see § 8(h) of the Recreation Emergency Act of 1995 (D.C. Act 11-20, February 28, 1995, 42 DCR 1175).

Legislative history of Law 10-198. — See note to § 2-306.

§ 2-308. Transfer of assets held in various funds.

References in text. — Section 2-307, referred to in this section, was repealed by D.C.

Law 10-152, 41 DCR 4636, effective Aug. 23, 1994.

§ 2-309. Manager; employment of additional personnel.

Repealed.

(June 4, 1948, 62 Stat. 342, ch. 418, § 9; Aug. 19, 1964, 78 Stat. 494, Pub. L. 88-448, title IV, § 402(a)(27); 1973 Ed., § 2-1709; Aug. 23, 1994, D.C. Law 10-152, § 21(c), 41 DCR 4636, as added by D.C. Law 10-198, § 8(h).)

Emergency act amendments. — For temporary repeal of section, see § 8(h) of the Recreation Emergency Act of 1995 (D.C. Act 11-20, February 28, 1995, 42 DCR 1175).

Legislative history of Law 10-198. — See note to § 2-306.

Subchapter II. Robert F. Kennedy Memorial Stadium.

§ 2-321. Purpose; authorization of Board to construct, maintain, and operate Stadium; plans.

Repealed.

(Sept. 7, 1957, 71 Stat. 619, Pub. L. 85-300, § 2; July 28, 1958, 72 Stat. 421, Pub. L. 85-561, § 1(1, 2); Sept. 23, 1959, 73 Stat. 702, Pub. L. 86-378, § 1(1); 1973 Ed., § 2-1720; Aug. 23, 1994, D.C. Law 10-152, § 21(a)(1), 41 DCR 4636.)

Cross references. — For provisions regarding the Sports Commission, see § 2-4001 et seq.

As to the assumption of nonmilitary functions of the Armory Board by the Sports Commission, see § 2-4018.

Legislative history of Law 10-152. — Law 10-152, the "Omnibus Sports Consolidation Act of 1994," was introduced in Council and assigned Bill No. 10-424, which was referred to the Committee on Public Services and Youth Affairs. The Bill was adopted on first and second readings on May 3, 1994, and June 7, 1994, respectively. Signed by the Mayor on

June 30, 1994, it was assigned Act No. 10-265 and transmitted to both Houses of Congress for its review. D.C. Law 10-152 became effective on August 23, 1994.

Appropriations authorized. — Public Law 104-194, 110 Stat. 2363, the District of Columbia Appropriations Act, 1997, provided for the Starplex Fund, \$8,717,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by this subchapter and subchapter II of this chapter: *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by § 47-301(b).

§ 2-322. Authorization of Secretary of Interior.

Cited in District of Columbia v. Baylor, 125 WLR 1665 (Super. Ct. 1997).

§ 2-324. Authorization of Board to carry out purposes of subchapter.

Repealed.

(Sept. 7, 1957, 71 Stat. 620, Pub. L. 85-300, § 5; July 28, 1958, 72 Stat. 421, 422, Pub. L. 85-561, § 1(9-11); Sept. 23, 1959, 73 Stat. 702, Pub. L. 86-378, § 1(4, 5); 1973 Ed., § 2-1723; Mar. 25, 1986, D.C. Law 6-101, § 2, 33 DCR 793; Mar. 16, 1989, D.C. Law 7-204, § 4, 36 DCR 454; Aug. 23, 1994, D.C. Law 10-152, § 21(a)(2), 41 DCR 4636.)

Legislative history of Law 10-152. — See note to § 2-321.

§ 2-325. Deposit of receipts; sinking fund; statement showing costs of construction of Stadium.

Repealed.

(Sept. 7, 1957, 71 Stat. 621, Pub. L. 85-300, § 6; July 28, 1958, 72 Stat. 422, Pub. L. 85-561, § 1(12); Sept. 23, 1959, 73 Stat. 702, Pub. L. 86-378, § 1(6, 7); 1973 Ed., § 2-1724; Apr. 7, 1977, D.C. Law 1-113, § 3, 23 DCR 8742; June 14, 1980, D.C. Law 3-70, § 7(p), 27 DCR 1776; Aug. 23, 1994, D.C. Law 10-152, § 21(a)(3), 41 DCR 4636.)

Legislative history of Law 10-152. — See note to § 2-321.

§ 2-326. Title to Stadium to vest in United States; date; conveyance and lease to District of Columbia; nontransferability; uses of property; reversion for noncompliance.

Cited in District of Columbia v. Baylor, 125 WLR 1665 (Super. Ct. 1997).

§ 2-327. Employment of personnel; compensation; delegation of powers.

Repealed.

(Sept. 7, 1957, 71 Stat. 621, Pub. L. 85-300, § 8; 1973 Ed., § 2-1726; Mar. 3, 1979, D.C. Law 2-139, § 3205(bb), 25 DCR 5740; Aug. 23, 1994, D.C. Law 10-152, § 21(a)(4), 41 DCR 4636.)

Legislative history of Law 10-152. — See note to § 2-321.

§ 2-328. Limitation on indebtedness; liability of Board members; deficits in sinking fund to be included in budget estimates; authority of Council to borrow from Secretary of Treasury; repayment; bonds guaranteed by United States.

Repealed.

(Sept. 7, 1957, 71 Stat. 621, Pub. L. 85-300, § 9; July 28, 1958, 72 Stat. 422, Pub. L. 85-561, § 1(14); 1973 Ed., § 2-1727; Aug. 23, 1994, D.C. Law 10-152, § 21(a)(4), 41 DCR 4636.)

Legislative history of Law 10-152. — See note to § 2-321.

§ 2-329. Financial statement; report of activities and business; recommendations.

Repealed.

(Sept. 7, 1957, 71 Stat. 622, Pub. L. 85-300, § 10; July 28, 1958, 72 Stat. 423, Pub. L. 85-561, § 1(15); Sept. 23, 1959, 73 Stat. 702, Pub. L. 86-378, § 1(8); 1973 Ed., § 2-1728; Nov. 15, 1977, 91 Stat. 1383, Pub. L. 95-185, § 3; Aug. 23, 1994, D.C. Law 10-152, § 21(a)(4), 41 DCR 4636.)

Legislative history of Law 10-152. — See note to § 2-321.

Subchapter III. Public Safety at Stadium and Armory.

§ 2-341. Possession of disposable containers prohibited; exceptions.

Repealed.

(1973 Ed., § 2-1741; Nov. 3, 1977, D.C. Law 2-37, § 2, 24 DCR 4058; Aug. 23, 1994, D.C. Law 10-152, § 21(b), 41 DCR 4636.)

Temporary addition of sections. — Section 3 of D.C. Law 11-67 added §§ 1a and 2a to D.C. Law 2-37 to read as follows:

“§ 1a. Possession of disposable containers prohibited; exceptions.

“(a) Except as provided in subsection (b) of this section, no person shall bring into or have in his or her possession within the Robert F. Kennedy Memorial Stadium any conveniently disposable container made of glass or metal designed primarily to hold or store beverages or liquids of any kind, including, but not limited to, bottles or cans.

“(b) Subsection (a) of this section shall not apply to:

“(1) Any person duly authorized or licensed by the District of Columbia Sports Commission to possess, sell, give away, transport, or store alcoholic beverages or containers within any

portion of the Robert F. Kennedy Memorial Stadium or the District of Columbia National Guard Armory or to any employee or agent acting for any such duly authorized or licensed person; or

“(2) Activities of the District of Columbia National Guard as provided in § 2-305.

“(c) For the purposes of this section, the term “person” includes any duly authorized or licensed individual, partnership, association, or corporation.”

“§ 2a. Unauthorized entry onto stadium playing field prohibited.

“Unless expressly authorized by the District of Columbia Sports Commission or its duly authorized agent, no person shall at any time enter onto any portion of the playing field within the Robert F. Kennedy Memorial Stadium. For the purposes of this section, the

'playing field' is that area encompassed by the seating facilities within the Stadium as such seating facilities may be arranged from time to time."

Section 4(b) of D.C. Law 11-67 provides that the act shall expire after 225 days of its having taken effect or on the effective date of the Omnibus Sports Consolidation Act Amendment Act of 1995, whichever occurs first.

Emergency act amendments. — For temporary addition of sections, see § 3 of the Omnibus Sports Consolidation Act of 1994 Emergency Amendment Act of 1995 (D.C. Act 11-102, July 21, 1995, 42 DCR 4009).

Legislative history of Law 10-152. — See note to § 2-321.

Legislative history of Law 11-67. — Law 11-67, the "Omnibus Sports Consolidation Act of 1994 Temporary Amendment Act of 1995," was introduced in Council and assigned Bill No. 11-376. The Bill was adopted on first and second readings on July 11, 1995, and July 29, 1995, respectively. Signed by the Mayor on August 9, 1995, it was assigned Act No. 11-130 and transmitted to both Houses of Congress for its review. D.C. Law 11-67 became effective on October 26, 1995.

§ 2-342. Unauthorized entry onto Stadium playing field prohibited.

Repealed.

(1973 Ed., § 2-1742; Nov. 3, 1977, D.C. Law 2-37, § 3, 24 DCR 4058; Aug. 23, 1994, D.C. Law 10-152, § 21(b), 41 DCR 4636.)

Legislative history of Law 10-152. — See note to § 2-321.

§ 2-343.1. Possession of disposable containers prohibited; exceptions.

(a) Except as provided in subsection (b) of this section, no person shall bring into or have in his or her possession within the Robert F. Kennedy Memorial Stadium any conveniently disposable container made of glass or metal designed primarily to hold or store beverages or liquids of any kind, including, but not limited to, bottles or cans.

(b) Subsection (a) of this section shall not apply to:

(1) Any person duly authorized or licensed by the District of Columbia Sports Commission to possess, sell, give away, transport, or store alcoholic beverages or containers within any portion of the Robert F. Kennedy Memorial Stadium or the District of Columbia National Guard Armory or to any employee or agent acting for any such duly authorized or licensed person; or

(2) Activities of the District of Columbia National Guard as provided in § 2-305.

(c) For the purposes of this section, the term "person" includes any duly authorized or licensed individual, partnership, association, or corporation. (Nov. 3, 1977, D.C. Law 2-37, § 4a, as added July 20, 1996, D.C. Law 11-145, § 3, 43 DCR 2842.)

Effect of amendments. — D.C. Law 11-145 added this section.

Emergency act amendments. — For temporary addition of §§ 2-343.1 and 2-343.2, see § 3 of the Omnibus Sports Consolidation Act Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-275, May 29, 1996, 43 DCR 2966).

Legislative history of Law 11-145. — Law 11-145, the "Omnibus Sports Consolidation Act

Amendment Act of 1996," was introduced in Council and Assigned Bill No. 11-349, which was referred to the Committee on Public Services and Regional Authorities. The Bill was adopted on first and second readings on April 2, 1996, and May 7, 1996, respectively. Signed by the Mayor on May 20, 1996, it was assigned Act No. 11-269 and transmitted to both Houses of Congress for its review. D. C. Law 11-145 became effective on July 20, 1996.

§ 2-343.2. Unauthorized entry onto stadium playing field prohibited.

Unless expressly authorized by the District of Columbia Sports Commission or its duly authorized agent, no person shall at any time enter onto any portion of the playing field within the Robert F. Kennedy Memorial Stadium. For the purposes of this section, the “playing field” is that area encompassed by the seating facilities within the Stadium as such seating facilities may be arranged from time to time. (Nov. 3, 1977, D.C. Law 2-37, § 4b, as added July 20, 1996, D.C. Law 11-145, § 3, 43 DCR 2842.)

Effect of amendments. — D.C. Law 11-145 added this section.

Emergency act amendments. — See note to § 2-343.1.

Legislative history of Law 11-145. — See note to § 2-343.1.

§ 2-344. Penalty for violation of subchapter.

Cited in District of Columbia v. Baylor, 125 WLR 1665 (Super. Ct. 1997).

CHAPTER 4A. BARBERS AND COSMETOLOGISTS.

Sec.
2-421 to 2-256. [Repealed].

§ 2-421. Definitions.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 2, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Con-

gress for its review. D.C. Law 12-261 became effective on April 20, 1999.

Revision of chapter. — Former Chapter 4A of this title containing §§ 2-421 through 2-456 was repealed by § 1234 of D.C. Law 12-261. As to provisions concerning the licensure of barbers and cosmetologists, see §§ 47-2853.71 through 47-2853.73, and §§ 47-2853.81 through 47-2853.83, respectively.

§ 2-422. Barber and Cosmetology Board.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 3, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-421.

Revision of chapter. — See note to § 2-421.

§ 2-423. Qualifications of members.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 4, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-421. **Revision of chapter.** — See note to § 2-421.

§ 2-424. Conflicts of interest.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 5, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-421. **Revision of chapter.** — See note to § 2-421.

§ 2-425. Terms of members; filling of vacancies.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 6, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-421. **Revision of chapter.** — See note to § 2-421.

§ 2-426. Removal.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 7, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-421. **Revision of chapter.** — See note to § 2-421.

§ 2-427. Powers and duties.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 8, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-421. **Revision of chapter.** — See note to § 2-421.

§ 2-428. Officers; meetings; quorum.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 9, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-421.

Revision of chapter. — See note to § 2-421.

§ 2-429. Compensation.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 10, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-421.

Revision of chapter. — See note to § 2-421.

§ 2-430. Annual reports.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 11, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-421.

Revision of chapter. — See note to § 2-421.

§ 2-431. General powers and duties of the Mayor.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 12, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-421.

Revision of chapter. — See note to § 2-421.

§ 2-432. License required.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 13, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-421.

Revision of chapter. — See note to § 2-421.

§ 2-433. Exemptions.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 14, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-421.

Revision of chapter. — See note to § 2-421.

§ 2-434. Licenses or certificates of registration issued pursuant to prior law.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 15, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-421.

Revision of chapter. — See note to § 2-421.

§ 2-435. Permitted practice.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 16, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-421.

Revision of chapter. — See note to § 2-421.

§ 2-436. Application for license.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 17, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-421.

Revision of chapter. — See note to § 2-421.

§ 2-437. Qualifications of applicants.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 18, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-421.

Revision of chapter. — See note to § 2-421.

§ 2-438. Reciprocity or endorsement.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 19, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-421.

Revision of chapter. — See note to § 2-421.

§ 2-439. Inspections.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 20, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-421.
note to § 2-421.

§ 2-440. Denial of license.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 21, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-421.
note to § 2-421.

§ 2-441. Disciplinary action.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 22, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-421.
note to § 2-421.

§ 2-442. Owners and managers.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 23, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-421.
note to § 2-421.

§ 2-443. Voluntary surrender of occupational license.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 24, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-421.
note to § 2-421.

§ 2-444. Term and renewal of license.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 25, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-421.
note to § 2-421.

§ 2-445. Display of license; change of address.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 26, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-421.
note to § 2-421.

§ 2-446. Reinstatement of expired license.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 27, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-421.
note to § 2-421.

§ 2-447. Reinstatement of revoked licenses.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 28, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-421.
note to § 2-421.

§ 2-448. Hearings.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 29, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-421.
note to § 2-421.

§ 2-449. Summary actions.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 30, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-421.
note to § 2-421.

§ 2-450. Cease and desist orders.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 31, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-421.
note to § 2-421.

§ 2-451. Judicial review.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 32, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-421.
note to § 2-421.

§ 2-452. Prohibited acts.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 33, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-421.
note to § 2-421.

§ 2-453. Criminal and civil sanctions.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 34, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-421.
note to § 2-421.

§ 2-454. Prosecutions.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 35, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-421.
note to § 2-421.

§ 2-455. Injunctions.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 36, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-421.
note to § 2-421.

§ 2-456. Regulations.

Repealed.

(Mar. 17, 1993, D.C. Law 9-245, § 39, 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Revision of chapter.** — See note to § 2-421. note to § 2-421.

CHAPTER 6. BOXING AND WRESTLING COMMISSION.

Sec.
2-607. Administration.

§ 2-604. Establishment of Commission.

Section references. — This section is referred to in § 1-633.7.

§ 2-606. Powers.

Section references. — This section is referred to in § 47-2853.4.

§ 2-607. Administration.

* * * * *

(f) The District of Columbia Auditor shall conduct a biennial audit of the Commission.

* * * * *

(Aug. 1, 1996, D.C. Law 11-152, § 402, 43 DCR 2978.)

Effect of amendments. — D.C. Law 11-152 substituted “a biennial audit” for “an annual audit” in (f).

Emergency act amendments. — For temporary amendment of section, see § 402 of the Fiscal Year 1996 Budget Support Emergency Act of 1996 (D.C. Act 11-264, April 26, 1996, 43 DCR 2412), and § 302 of the Fiscal Year 1996 Budget Support Congressional Review Emergency Act of 1996 (D.C. Act 11-335, August 1, 1996, 43 DCR 4256).

Section 501 of D.C. Act 11-335 provides for the application of the act.

Legislative history of Law 11-152. — Law 11-152, the “Fiscal Year 1996 Budget Support Act of 1996,” was introduced in Council and assigned Bill No. 11-655, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 2, 1996, and May 7, 1996; respectively. Signed by the Mayor on May 28, 1996, it was assigned Act No. 11-279 and transmitted to both Houses of Congress for its review. D. C. Law 11-152 became effective on August 1, 1996.

CHAPTER 7. CHARITABLE SOLICITATIONS.

Sec.
2-702. Powers of Mayor and Council.

§ 2-702. Powers of Mayor and Council.

* * * * *

(c) Licenses or certificates of registration issued under this section shall be issued as a Class B General Business endorsement to a master business license under the master business license system as set forth in subchapter I-A of Chapter 28 of Title 47. (July 10, 1957, 71 Stat. 278, Pub. L. 85-87, § 3; 1973 Ed., § 2-2102; Apr. 20, 1999, D.C. Law 12-261, § 2003(b), 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 added (c).

Legislative history of Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole.

The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

CHAPTER 8. COMMISSION FOR WOMEN.

Sec.

2-802. Establishment of the Commission.

§ 2-802. Establishment of the Commission.

(a) There is hereby established in the District of Columbia a Commission for Women (hereinafter referred to as the “Commission”). The Commission shall be composed of 21 members appointed by the Mayor, from among the residents of the District of Columbia with experience in the areas of public affairs and issues of particular interest and concern to women, representative by geographic area and reflective by race and age of the population of the District of Columbia. The Commission shall be the successor to the Commission on the Status of Women established by Organization Order No. 38, Commissioner’s Order No. 73-94a, effective April 24, 1973 (hereinafter referred to as the “Commission on the Status of Women”).

* * * * *

(_____, 1999, D.C. Law 12- (Act 12-622), § 4(k), 46 DCR 1355.)

Effect of amendments. — D.C. Law 12- (D.C. Act 12-622) deleted “of the District of Columbia (hereinafter referred to as the ‘Mayor’ with the advice and consent of the Council of the District of Columbia (hereinafter referred to as the ‘Council’))” preceding “from among the residents” in the second sentence of (a).

Emergency act amendments. — For temporary amendment of section, see § 4(k) of the Confirmation Emergency Amendment Act of 1999 (D.C. Act 13-25, March 15, 1999, 46 DCR 2971).

Section 6 of D.C. Act 13-25 provides for the application of the act.

Legislative history of Law 12- (D.C. Act 12-622). — Law 12- (D.C. Act 12-622) the “Confirmation Amendment Act of 1998,” was introduced in Council and assigned Bill No. _____, which was referred to the Committee of _____. The Bill was adopted on first and second readings on _____, and _____, respectively. Signed by the Mayor on _____, it was assigned Act No. 12-622 and transmitted to both Houses of Congress for its review. D.C. Law 12- (D.C. Act 12-622) became effective on _____, 1999.

CHAPTER 9. COSMETOLOGISTS.

Sec.

2-901 to 2-928. [Repealed].

§ 2-901. Definitions.

Repealed.

(June 7, 1938, 52 Stat. 611, ch. 321, § 1; 1973, Ed. § 2-1301; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261.

Law 12-261, the "Second Omnibus Regulatory Reform Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the

Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

Repeal of Law 9-245 — Section 1236 of D.C. Law 12-261 transfers authority to the Board of Barber and Cosmetology established by § 47-2853.6.

§ 2-902. Board of Cosmetology created; composition; qualifications; term of office; oath; vacancies; removal; officers; seal; quorum; meetings; records.

Repealed.

(June 7, 1938, 52 Stat. 612, ch. 321, § 2; 1973 Ed., § 2-1302; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-901.

Repeal of Law 9-245 — See note to § 2-901.

§ 2-903. Rules and regulations.

Repealed.

(June 7, 1938, 52 Stat. 613, ch. 321, § 3; 1973 Ed., § 2-1303; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-901.

Repeal of Law 9-245 — See note to § 2-901.

§ 2-904. Procedure for refusal, revocation, or suspension of license or certificate; reissuance.

Repealed.

(June 7, 1938, 52 Stat. 613, ch. 321, § 4; 1973 Ed., § 2-1304; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-905. Appeal from action of Board.

Repealed.

(June 7, 1938, 52 Stat. 613, ch. 321, § 5; 1973 Ed., § 2-1305; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-906. Practice of teaching of cosmetology without certificate of registration prohibited; exception.

Repealed.

(June 7, 1938, 52 Stat. 613, ch. 321, § 6; 1973 Ed., § 2-1306; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-907. Requirements to practice or teach.

Repealed.

(June 7, 1938, 52 Stat. 614, ch. 321, § 7; 1973 Ed., § 2-1307; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-908. Requirements for examination.

Repealed.

(June 7, 1938, 52 Stat. 614, ch. 321, § 8; 1973 Ed., § 2-1308; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-909. Limited certificate of registration.

Repealed.

(June 7, 1938, 52 Stat. 614, ch. 321, § 9; 1973 Ed., § 2-1309; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-910. School of cosmetology — Requirements for certificate of registration.

Repealed.

(June 7, 1938, 52 Stat. 614, ch. 321, § 10; 1973 Ed., § 2-1310; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-911. Same — Student practice upon public.

Repealed.

(June 7, 1938, 52 Stat. 615, ch. 321, § 11; 1973 Ed., § 2-1311; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-912. Practice limited to registered beauty shops; exception; manager required.

Repealed.

(June 7, 1938, 52 Stat. 615, ch. 321, § 12; 1973 Ed., § 2-1312; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-913. Exceptions to examination requirements; temporary permits.

Repealed.

(June 7, 1938, 52 Stat. 615, ch. 321, § 13; 1973 Ed., § 2-1313; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-914. Apprentices in beauty shops.

Repealed.

(June 7, 1938, 52 Stat. 616, ch. 321, § 14; 1973 Ed., § 2-1314; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-915. Demonstrators.

Repealed.

(June 7, 1938, 52 Stat. 616, ch. 321, § 15; 1973 Ed., § 2-1315; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-916. Reciprocity.

Repealed.

(June 7, 1938, 52 Stat. 616, ch. 321, § 16; 1973 Ed., § 2-1316; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-917. Issuance of certificate or license; display.

Repealed.

(June 7, 1938, 52 Stat. 617, ch. 321, § 17; 1973 Ed., § 2-1317; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-918. Conduct of examinations.

Repealed.

(June 7, 1938, 52 Stat. 617, ch. 321, § 18; 1973 Ed., § 2-1318; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-919. Fees; expenses of Board; unexpended funds.

Repealed.

(June 7, 1938, 52 Stat. 617, ch. 321, § 19; 1973 Ed., § 2-1319; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-920. Persons called to aid of Board.

Repealed.

(June 7, 1938, 52 Stat. 618, ch. 321, § 20; 1973 Ed., § 2-1320; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-921. Sanitary regulations.

Repealed.

(June 7, 1938, 52 Stat. 618, ch. 321, § 21; 1973 Ed., § 2-1321; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-922. Hearings.

Repealed.

(June 7, 1938, 52 Stat. 618, ch. 321, § 22; 1973 Ed., § 2-1322; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-923. Temporary licenses.

Repealed.

(June 7, 1938, 52 Stat. 618, ch. 321, § 23; 1973 Ed., § 2-1323; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-924. Exemptions from chapter.

Repealed.

(June 7, 1938, 52 Stat. 619, ch. 321, § 24; 1973 Ed., § 2-1324; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-925. Expiration and renewal of certificate of registration.

Repealed.

(June 7, 1938, 52 Stat. 619, ch. 321, § 25; 1973 Ed., § 2-1325; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-926. Penalties.

Repealed.

(June 7, 1938, 52 Stat. 619, ch. 321, § 26; 1973 Ed., § 2-1326; Oct. 5, 1985, D.C. Law 6-42, § 452, 32 DCR 4450; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-927. Prosecution by Corporation Counsel.

Repealed.

(June 7, 1938, 52 Stat. 619, ch. 321, § 27; 1973 Ed., § 2-1327; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

§ 2-928. Severability.

Repealed.

(June 7, 1938, 52 Stat. 620, ch. 321, § 28; 1973 Ed., § 2-1328; Mar. 17, 1993, D.C. Law 9-245, § 38(b), 40 DCR 660; Apr. 20, 1999, D.C. Law 12-261, § 1236, 46 DCR 3142.)

Legislative history of Law 12-261. — See **Repeal of Law 9-245** — See note to § 2-901.
note to § 2-901.

CHAPTER 11. CRIMINAL JUSTICE SUPERVISORY BOARD.

§ 2-1105. Powers and duties.

References in text.

Section 11717(b) of Title XI of Pub. L. 105-33, 111 Stat. 786 provided that any reference in law or regulation to the "District of Columbia Self-

Government and Governmental Reorganization Act" shall be deemed to be a reference to the "District of Columbia Home Rule Act," which is set out in Volume 1.

CHAPTER 13. HEALING ARTS PRACTICE.

Subchapter I. Regulatory Provisions.

Sec.

2-1345. Health care professional volunteer assistance protection.

Subchapter I. Regulatory Provisions.

§ 2-1345. Health care professional volunteer assistance protection.

(a) A licensed physician, registered nurse, or nurse-midwife certified or practicing in the specialty of obstetrics or gynecology who in good faith provides health care or treatment at or on behalf of a free health clinic operating lawfully in the District of Columbia without the expectation of receiving or intending to receive compensation shall not be liable in civil damages for any act or omission in the course of rendering the health care or treatment, unless the act or omission is an intentional wrong or manifests a willful or wanton disregard for the health or safety of others.

* * * * *

(May 16, 1995, D.C. Law 10-255, § 6, 41 DCR 5193.)

Effect of amendments.

D.C. Law 10-255 duplicated the amendment made by D.C. Law 10-68.

Legislative history of Law 10-255. — Law 10-255, the "Technical Amendments Act of 1994," was introduced in Council and assigned Bill No. 10-673, which was referred to the

Committee of the Whole. The Bill was adopted on first and second readings on June 21, 1994, and July 5, 1994, respectively. Signed by the Mayor on July 25, 1994, it was assigned Act No. 10-302 and transmitted to both Houses of Congress for its review. D.C. Law 10-255 became effective on May 16, 1995.

Subchapter II. Reports of Neglected Children.

§ 2-1351. Purpose.

Cited in LaShawn A. v. Barry, 87 F.3d 1389 (D.C. Cir. 1996); Doe ex rel. Fein v. District of Columbia, 93 F.3d 861 (D.C. Cir. 1996).

§ 2-1352. Persons required to make reports; procedure.

D.C. Law Review. — For symposium, “The unnecessary detention of children in the District of Columbia — The role of the probation

officer in intake: Stories from before, during, and after the delinquency initial hearing”, see 3 D.C. L. Rev. 235 (1995).

§ 2-1356. Exceptions for treatment solely by spiritual means.

Emergency act amendments.
For temporary amendment of section, see § 2 of the Prevention of Child Neglect Emergency

Amendment Act of 1994 (D.C. Act 10-288, July 22, 1994, 41 DCR 4992).

CHAPTER 15. ANATOMICAL GIFTS.

Sec.
2-1509.1. Organ preservation.

§ 2-1502. Persons eligible to execute gifts; nonacceptance by donee; rights of donee created by gift.

Cited in In re M.M.D., App. D.C., 662 A.2d 837 (1995).

§ 2-1507. Duties of donee; determination of time of death; immunity.

Cited in In re M.M.D., App. D.C., 662 A.2d 837 (1995).

§ 2-1509.1. Organ preservation.

(a) In the event a person authorized by § 2-1502(b) to consent to an anatomical gift of all or part of the decedent’s body is not immediately available for a representative of a hospital to make the request required by § 2-1509, the hospital may use organ preservation equipment and techniques, including ventilators and in situ flushing and cooling equipment, to maintain the viability of the decedent’s organs in order to preserve the option of family members and other authorized persons to consider donation.

(b) In the event a hospital initiates the preservation of a decedent’s organs pursuant to subsection (a) of this section, the hospital shall use all available means to locate a person authorized by § 2-1502(b) to consent to an anatomical gift. If a person authorized by § 2-1502(b) to consent to an anatomical gift cannot be located within a time period deemed reasonable by a designated medical professional, or declines to consent to an anatomical gift, the organ preservation procedure shall be discontinued.

(c) A person authorized by § 2-1502(b) to donate all or any part of a decedent’s body shall be given full disclosure of preservation techniques or preservation equipment used, if any.

(d) In the absence of gross negligence or willful misconduct, any person employed or authorized by a hospital to utilize organ preservation techniques

pursuant to subsection (a) of this section shall be immune from any civil or criminal liability in connection with taking the medically necessary steps to preserve a decedent's organs during the search for, or consultation with, a person authorized by § 2-1502(b) to consent to an anatomical gift.

(e) Neither a decedent nor relative or guardian of a decedent shall pay any costs associated with organ preservation.

(f) A hospital that initiates organ preservation pursuant to subsection (a) of this section shall bear all costs associated with the organ preservation upon the happening of any of the following:

(1) The recipient of the preserved organ is indigent;

(2) A person authorized by § 2-1502(b) to consent to an anatomical gift cannot be located within a time period deemed reasonable by a designated medical professional; or

(3) A person authorized by § 2-1502(b) to consent to an anatomical gift does not consent to an anatomical gift of all or part of a decedent's body. (May 26, 1970, 84 Stat. 266, Pub.L. 91-268, § 10a, as added May 24, 1996, D.C. Law 11-125, § 2, 43 DCR 1548.)

Effect of amendments. — D.C. Law 11-125 added this section.

Legislative history of Law 11-125. — Law 11-125, the "Anatomical Gift Amendment Act of 1996," was introduced in Council and Assigned Bill No. 11-317, which was referred to the Committee on Human Services. The Bill was

adopted on first and second readings on February 6, 1996, and March 5, 1996, respectively. Signed by the mayor on March 15, 1996, it was assigned Act No. 11-232 and transmitted to both Houses of Congress for its review. D.C. Law 11-118 became effective on May 24, 1996.

CHAPTER 19. PAWNBROKERS.

Sec.

2-1903. Appointment of Mayor as attorney; application for license; cash capital; application fee.

§ 2-1903. Appointment of Mayor as attorney; application for license; cash capital; application fee.

* * * * *

(e) Any license issued pursuant to this chapter shall be issued as a Class A Inspected Sales and Services endorsement to a master business license under the master business license system as set forth in subchapter I-A of Chapter 28 of Title 47. (Aug. 6, 1956, 70 Stat. 1036, ch. 970, § 3; 1973 Ed., § 2-2003; Apr. 20, 1999, D.C. Law 12-261, § 2003(c), 46 DCR 3142.)

Effect of amendments. — D.C. Law 12- (D.C. Act 12-615) added (e).

Legislative history of Law 12-261. — Law 12-261, the "Second Omnibus Regulatory Reform Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole.

The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

§ 2-1918. Exceptions to application of chapter.

References in text.

The Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation referred to in this section have been abolished. For provisions relating to the abolition of the Federal Savings and Loan Insurance Cor-

poration and the Federal Home Loan Bank Board and the transfer of functions, personnel and property of such agencies, see §§ 401 to 406 of Pub. L. 101-73, set out as notes under 12 U.S.C. § 1437.

CHAPTER 20. PHARMACY.

Sec.

2-2006. Registration of pharmacy interns.

2-2008. Licensing of pharmacies.

Sec.

2-2010. Denial, suspension, or revocation of pharmacy license.

§ 2-2001. Purposes; scope.

Delegation of Authority Pursuant to D.C. Law 3-98, the "District of Columbia Pharmacist and Pharmacy Regulation Act

of 1980." — See Mayor's Order 98-48, April 15, 1998 (45 DCR 2693).

§ 2-2006. Registration of pharmacy interns.

(a) To register as a pharmacy intern, a person shall establish to the satisfaction of the Board of Pharmacy that the applicant:

(1) Is currently registered in and attending a duly accredited college or school of pharmacy or is a graduate of such college or school of pharmacy; and

(2) Has provided such additional evidence as the Board has determined is necessary for the position of pharmacy intern; and

(3) Has complied with the other standards required for registration by the Non-Health Related Professions and Occupations Licensure Act of 1998.

* * * * *

(Sept. 16, 1980, D.C. Law 3-98, § 7, 27 DCR 3528; Apr. 20, 1999, D.C. Law 12-261, § 1244, 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 rewrote (a).

Legislative history of Law 12-261. — Law 12-261, the "Second Omnibus Regulatory Reform Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15,

1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

References in text. — "The Non-Health Related Professions and Occupations Licensure Act of 1998," referenced in (a)(3), is Title I of D.C. Law 12-261.

§ 2-2008. Licensing of pharmacies.

* * * * *

(g) Any license issued pursuant to this section shall be issued as a Class A Public Health: Pharmacy and Pharmaceuticals endorsement to a master business license under the master business license system as set forth in

subchapter I-A of Chapter 28 of Title 47. (Sept. 16, 1980, D.C. Law 3-98, § 9, 27 DCR 3528; Apr. 20, 1999, D.C. Law 12-261, § 2003(d), 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 added (g).

Legislative history of Law 12-261. — See not to § 2-2006.

§ 2-2100. Denial, suspension, or revocation of pharmacy license.

(a) The Mayor may refuse the issuance or renewal, or may revoke, or may suspend for not more than 90 days, a license issued pursuant to this chapter for any one or a combination of the following reasons:

* * * * *

(2) Furnishing false or misleading information to the Mayor, or failing to furnish information requested by the Mayor, or refusing to allow an inspection in accordance with this section and § 2-2016; or

* * * * *

(May 16, 1995, D.C. Law 10-255, § 5, 41 DCR 5193.)

Effect of amendments. — D.C. Law 10-255 validated a previously made change in (a)(2).

Legislative history of Law 10-255. — Law 10-255, the “Technical Amendments Act of 1994,” was introduced in Council and assigned Bill No. 10-673, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 21, 1994, and July 5, 1994, respectively. Signed by the Mayor on July 25, 1994, it was assigned Act No. 10-302 and transmitted to both Houses of Congress for its review. D.C. Law 10-255 became effective on May 16, 1995.

§ 2-2016. Inspections.

Section references. — This section is referred to in § 2-2010.

CHAPTER 21. PLUMBERS.

Sec.
2-2101 to 2-2108. [Repealed].

§ 2-2101. Plumbing Board authorized; appointment; composition.

Repealed.

(Apr. 20, 1999, D.C. Law 12-261, § 1237, 46 DCR 3142.)

Legislative history of Law Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

Revision of chapter. — Former Chapter 21 of this title containing §§ 2-2101 through

2-2108 was repealed by § 1237 of D.C. Law 12-261. As to present provisions concerning the regulation of plumbing and gas fitting, see §§ 47-2853.121 through 47-2853.123.

Editor's notes. — This section was previously omitted.

§ 2-2102. Licenses — Examination of applicants; issuance.

Repealed.

(June 18, 1898, 30 Stat. 477, ch. 467, § 2; 1973 Ed., § 2-1402; Apr. 20, 1999, D.C. Law 12-261, § 1237, 46 DCR 3142.)

Legislative history of Law Law 12-261. — See note to § 2-2101.

Revision of chapter. — See note to § 2-2101.

§ 2-2103. Same — Application.

Repealed.

(June 18, 1898, 30 Stat. 477, ch. 467, § 3; July 14, 1932, 47 Stat. 659, ch. 476, § 3; 1973 Ed., § 2-1403; July 22, 1976, D.C. Law 1-75, § 3(g), 23 DCR 1178; Apr. 20, 1999, D.C. Law 12-261, § 1237, 46 DCR 3142.)

Legislative history of Law Law 12-261. — See note to § 2-2101.

Revision of chapter. — See note to § 2-2101.

§ 2-2104. Bond.

Repealed.

(Apr. 23, 1892, 27 Stat. 21, ch. 53, § 2; Mar. 3, 1893, 27 Stat. 543, ch. 199; 1973 Ed., § 2-1404; Apr. 20, 1999, D.C. Law 12-261, § 1237, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-2101.

Revision of chapter. — See note to § 2-2101.

§ 2-2105. Licenses — Renewal; fees; suspension or revocation.

Repealed.

(June 18, 1898, 30 Stat. 477, ch. 467, § 4; July 14, 1932, 47 Stat. 659, ch. 476, § 4; 1973 Ed., § 2-1405; Sept. 14, 1976, D.C. Law 1-82, title V, § 503, 23 DCR 2461; June 22, 1983, D.C. Law 5-14, § 205, 30 DCR 2632; Apr. 20, 1999, D.C. Law 12-261, § 1237, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-2101.

Revision of chapter. — See note to § 2-2101.

§ 2-2106. Same — Required.

Repealed.

(June 18, 1898, 30 Stat. 477, ch. 467, § 5; 1973 Ed., § 2-1406; Apr. 20, 1999, D.C. Law 12-261, § 1237, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-2101.

Revision of chapter. — See note to § 2-2101.

§ 2-2107. Employment of unlicensed person prohibited.

Repealed.

(June 18, 1898, 30 Stat. 477, ch. 467, § 6; 1973 Ed., § 2-1407; Apr. 20, 1999, D.C. Law 12-261, § 1237, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-2101.

Revision of chapter. — See note to § 2-2101.

§ 2-2108. Penalty; prosecutions.

Repealed.

(June 18, 1898, 30 Stat. 477, ch. 467, § 8; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); 1973 Ed., § 2-1408; Oct. 5, 1985, D.C. Law 6-42, § 474, 32 DCR 4450; Apr. 20, 1999, D.C. Law 12-261, § 1237, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-2101.

Revision of chapter. — See note to § 2-2101.

CHAPTER 24. STEAM AND OTHER OPERATING ENGINEERS.

Sec.
2-2401 to 2-2408. [Repealed].

§ 2-2401. License required.

Repealed.

(Feb. 28, 1887, 24 Stat. 427, ch. 272, § 1, Mar. 4, 1925, 43 Stat. 1284, ch. 545; 1973 Ed., § 2-1501; Apr. 20, 1999, D.C. Law 12-261, § 1238, 46 DCR 3142.)

Legislative history of Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No.

12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

Revision of chapter. — Former Chapter 24 of this title containing §§ 2-2401 through 2-2408 was repealed by § 1238 of D.C. Law 12-261. As to present provisions concerning the regulation of professional engineers, see §§ 47-2853.131 through 47-2853.133.

§ 2-2402. Board of Examiners.

Repealed.

(Apr. 20, 1999, D.C. Law 12-261, § 1238, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-2401.

Revision of chapter. — See note to § 2-2401.

Editor's notes. — This section was previously omitted.

§ 2-2403. Qualification of applicants; application.

Repealed.

(Feb. 28, 1887, 24 Stat. 427, ch. 272, § 3; Mar. 4, 1925, 43 Stat. 1284, ch. 545; 1973 Ed., § 2-1503; July 22, 1976, D.C. Law 1-75, § 3(h), 23 DCR 1178; Apr. 20, 1999, D.C. Law 12-261, § 1238, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-2401.

Revision of chapter. — See note to § 2-2401.

§ 2-2404. License fee.

Repealed.

(Feb. 28, 1887, 24 Stat. 427, ch. 272, § 4; Mar. 4, 1925, 43 Stat. 1284, ch. 545; 1973 Ed., § 2-1504; Apr. 20, 1999, D.C. Law 12-261, § 1238, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-2401.

Revision of chapter. — See note to § 2-2401.

§ 2-2405. Revocation of license for intoxication.

Repealed.

(Feb. 28, 1887, 24 Stat. 427, ch. 272, § 5; Mar. 4, 1925, 43 Stat. 1284, ch. 545; 1973 Ed., § 2-1505; Apr. 20, 1999, D.C. Law 12-261, § 1238, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-2401.

Revision of chapter. — See note to § 2-2401.

§ 2-2406. Employment of unlicensed person; exemption.

Repealed.

(Feb. 28, 1887, 24 Stat. 427, ch. 272, § 6; Mar. 4, 1925, 43 Stat. 1284, ch. 545; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); 1973 Ed., § 2-1506; Apr. 20, 1999, D.C. Law 12-261, § 1238, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-2401.

Revision of chapter. — See note to § 2-2401.

§ 2-2407. Exemptions from chapter.

Repealed.

(Feb. 28, 1887, 24 Stat. 427, ch. 272, § 7; Mar. 4, 1925, 43 Stat. 1284, ch. 545; July 31, 1939, 53 Stat. 1143, ch. 398; 1973 Ed., § 2-1507; Apr. 20, 1999, D.C. Law 12-261, § 1238, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-2401.

Revision of chapter. — See note to § 2-2401.

§ 2-2408. Imposition of civil fines, penalties, and fees; adjudications.

Repealed.

(Feb. 28, 1887, ch. 272, § 8, as added Oct. 5, 1985, D.C. Law 6-42, § 482, 32 DCR 4450; Apr. 20, 1999, D.C. Law 12-261, § 1238, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-2401. Revision of chapter. — See note to § 2-2401.

CHAPTER 25. LOTTERY AND CHARITABLE GAMES CONTROL BOARD.

- Sec.
2-2516. Sales agents' special accounts; reports of receipts and transactions.
2-2522.1. Monte Carlo night party.
- Sec.
2-2526. License to supply bingo equipment and supplies.
2-2536. Competitive bid contracts.

§ 2-2501. Created; appointment; composition; qualifications; vacancies; term of office; compensation.

Section references. — This section is referred to in § 1-633.7.

Appropriations authorized. — Public Law 103-334, 108 Stat. 2582, the District of Columbia Appropriations Act, 1995, provided for the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriations Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174; Public Law 97-91), as amended, for the purpose of implementing §§ 2-2501 et seq. and 22-1516 et seq., \$8,318,000, to be derived from non-Federal District of Columbia revenues. *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

§ 2-2506. Enforcement; rules and regulations.

Cited in Peterson v. District of Columbia Lottery & Charitable Games Control Bd., App. D.C., 673 A.2d 664 (1996).

§ 2-2516. Sales agents' special accounts; reports of receipts and transactions.

- (a) The Board, in its discretion, may require lottery and daily numbers games sales agents to deposit in the Fund or a special escrow account, in the name of the Board, to the credit of the Board, which the Board is authorized to establish, in institutions designated by it which are legal for the deposit of municipal funds, all monies received by such agents from the sale of lottery and daily numbers games tickets less the amount of authorized compensation to licensed agents and prizes, if any, authorized under § 2-2514, and to file with the Board reports of their receipts and transactions in the sale of lottery and daily numbers games tickets in such form and containing such information as the Board may require.
- (b) Lottery and daily numbers games sales agents shall hold in trust, for the benefit of the Board, all monies received by the agent from the sale of lottery

and daily numbers games tickets until such monies are transferred to the Board. The Board shall determine the amount of compensation to be paid to the sales agents and the amount of prizes to be paid by sales agents. The Board shall have authority to adopt regulations to implement this section. (Mar. 10, 1981, D.C. Law 3-172, § 4, 27 DCR 4736; June 3, 1997, D.C. Law 11-272, § 2(b), 43 DCR 4672.)

Effect of amendments. — D.C. Law 11-272 added (b).

Legislative history of Law 11-272. — Law 11-272, the “Lottery Games Amendment Act of 1996,” was introduced in Council and assigned Bill No. 11-698. The Bill was adopted on first

and second readings on July 3, 1996, and July 17, 1996, respectively. Signed by the Mayor on August 5, 1996, it was assigned Act No. 11-371 and transmitted to both Houses of Congress for its review. D.C. Law 11-272 became effective on June 3, 1997.

§ 2-2521. Rules and regulations governing conduct of lottery and daily numbers games.

Cited in Peterson v. District of Columbia Lottery & Charitable Games Control Bd., App. D.C., 673 A.2d 664 (1996).

§ 2-2522.1. Monte Carlo night party.

* * * * *

(b) A Monte Carlo night party means an event for raising funds for charitable purposes at which wagers are made, through the use of imitation money presented to a participant in exchange for a donation to the event, in games of chance customarily associated with a gambling casino and at which a participant may use any accumulated imitation money to purchase prizes at the end of the event. The term “Las Vegas night party” may also be used to describe this type of event.

* * * * *

(May 16, 1995, D.C. Law 10-255, § 7, 41 DCR 5193.)

Effect of amendments. — D.C. Law 10-255 validated a previously made change in (b).

Legislative history of Law 10-255. — Law 10-255, the “Technical Amendments Act of 1994,” was introduced in Council and assigned Bill No. 10-673, which was referred to the Committee of the Whole. The Bill was adopted

on first and second readings on June 21, 1994, and July 5, 1994, respectively. Signed by the Mayor on July 25, 1994, it was assigned Act No. 10-302 and transmitted to both Houses of Congress for its review. D.C. Law 10-255 became effective on May 16, 1995.

§ 2-2526. License to supply bingo equipment and supplies.

(a) No person, firm, partnership, association, organization, or corporation licensed by the Board to conduct bingo shall purchase or receive bingo equipment and supplies, as defined by the rules and regulations of the Board, except from a person, firm, partnership, association, organization, or corporation licensed by the Board to supply such equipment. Any person, firm, partnership, association, organization, or corporation intending to sell, supply, or distribute bingo equipment and supplies shall apply for a suppliers license on an application form prescribed by the Board. Such application shall include,

but not be limited to: The name and address of the applicant; a designation of the type of business organization of the applicant and the date and place of its original establishment; the name and address of each officer, director, shareholder, partner, or other person with an ownership interest in the applicant business; a statement showing the gross receipts realized in the preceding year on the sale or distribution of bingo supplies and equipment to licensed organizations; the name and address of any supplier of bingo supplies and equipment to the applicant; the number of years the applicant has been in the business of supplying bingo supplies and equipment; and, if the applicant business is organized outside of the District, the name and address of a resident agent who is authorized to be served legal documents and receive notices, orders, and directives of the Board.

(b) Any license issued pursuant to this section shall be issued as a Class B General Sales endorsement to a master business license under the master business license system as set forth in subchapter I-A of Chapter 28 of Title 47. (Mar. 10, 1981, D.C. Law 3-172, § 4, 27 DCR 4736; Apr. 20, 1999, D.C. Law 12-261, § 2003(e), 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 added (b).

Legislative history of Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole.

The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

§ 2-2536. Competitive bid contracts.

* * * * *

(b) The Office of Contracting and Procurement shall procure supplies, materials, equipment, machinery, work, or other items relating to or necessary for the operation of any gambling form on behalf of the Board.

(c) Repealed.

* * * * *

(e) Repealed.

(f) Repealed.

* * * * *

(Mar. 10, 1981, D.C. Law 3-172, § 4, 27 DCR 4736; Apr. 12, 1997, D.C. Law 11-259, § 310, 44 DCR 1423.)

Effect of amendments. — D.C. Law 11-259, rewrote (b); and repealed (c), (e), and (f).

Legislative history of Law 11-259. — Law 11-259, the “Procurement Reform Amendment Act of 1996,” was introduced in Council and assigned Bill No. 11-705, which was referred to the Committee on Government Operations. The

Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on January 3, 1997, it was assigned Act No. 11-526 and transmitted to both Houses of Congress for its review. D.C. Law 11-259 became effective on April 12, 1997.

CHAPTER 26. SECURITY AGENTS AND BROKERS.

Sec.
2-2601. Definitions.
2-2604. Same — Application; fees; net capital requirements; bond; renewal.
2-2605. Unlawful representations.
2-2606. Records; reports.
2-2607. Filing of sales and advertising literature.
2-2608. False or misleading filings.
2-2609. Denial, revocation, suspension, cancellation, and withdrawal of license.

Sec.
2-2610. Investigations.
2-2611. Injunctions.
2-2614. Civil penalties.
2-2615. Application of chapter; service of process.
2-2616. Administration of chapter.
2-2617. District of Columbia Securities Advisory Committee.

§ 2-2601. Definitions.

When used in this chapter, unless the context otherwise requires:

* * * * *

(3) Repealed.

(3A) "Department" means the Department of Insurance and Securities Regulation.

* * * * *

(May 21, 1997, D.C. Law 11-268, § 10(a)(1), 44 DCR 1730.)

Section references. — This section is referred to in § 47-2853.4.

Effect of amendments. — D.C. Law 11-268 repealed (3), and inserted (3A).

Legislative history of Law 11-268. — Law 11-268, the "Department of Insurance and Securities Regulation Establishment Act of 1996," was introduced in Council and assigned Bill No. 11-415, which was referred to the Commit-

tee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 30, 1996, it was assigned Act No. 11-524 and transmitted to both Houses of Congress for its review. D.C. Law 11-268 became effective on May 21, 1997.

§ 2-2604. Same — Application; fees; net capital requirements; bond; renewal.

(a)(1) A broker-dealer or agent may obtain an initial license by filing with the Department an application executed by all partners, directors, and officers of the applicant personally engaged in the securities business in the District, together with a consent to service of process pursuant to § 2-2615(f). The application for each broker-dealer applicant shall contain the following information, and for each partner, officer, or director, each person occupying a similar status or performing similar functions, and each person directly or indirectly controlling such broker-dealer the information prescribed in subparagraphs (C), (D), (E), and (G) of this paragraph; and the application for each agent shall contain the information specified in subparagraphs (C), (D), (E), and (G) of this paragraph:

* * * * *

(G) Such other matters as the Department may by rule prescribe as being necessary or appropriate in the public interest or for the protection of investors.

(2) The Department may by rule or order require an applicant for an initial license to publish an announcement of the application in one or more specified newspapers published in the District. If no denial order is in effect and no proceeding is pending under § 2-2609, a license shall become effective at noon of the 30th day after any application is filed. The Department may by rule or order specify an earlier effective date, and it may by order defer the effective date until noon of the 30th day after the filing of any amendment to an application.

(b) An applicant for an initial or renewal license shall pay a filing fee which shall be fixed by the Department. The Department shall also fix a fee for the transfer of agents from one broker-dealer to another.

(c) A licensed broker-dealer may file an application for a license of a successor, whether or not the successor is then in existence, for the unexpired portion of the period during which the license of such broker-dealer is effective. Applicants shall pay a fee fixed by the Department.

(d) Each broker-dealer licensed in the District shall have and maintain a minimum net capital of \$25,000, except that the Department may, by rule, fix a minimum net capital in lesser amounts, but in no case less than \$5,000 net capital, for a broker-dealer with a limited license which authorizes such broker-dealer to engage only in transactions in securities registered under the Investment Company Act of 1940. The Department may by rule prescribe a ratio between net capital and aggregate indebtedness. The Department may, upon written application, exempt from the provisions of this subsection, either unconditionally or on specified terms and conditions, any broker-dealer who satisfies the Department that, because of the special nature of its business, its financial position, and the safeguards which it has established for the protection of customers' funds and securities, it is not necessary, in the public interest or for the protection of investors, to subject the particular broker-dealer to the provisions of this subsection.

(e) The Department may by rule require a licensed broker-dealer or the agent of an issuer to post a surety bond issued by a corporate surety company licensed to do business in the District of Columbia in such amounts up to \$25,000 and on such conditions as the Department may determine to be necessary or appropriate in the public interest or for the protection of investors, the surety bond of a licensed broker-dealer to cover such broker-dealer and all licensed agents thereof in the District of Columbia. Every bond shall provide for suit thereon by any person who may have a cause of action arising under § 2-2613, and, if the Department by rule or order requires, by any person who may have a cause of action not arising under this chapter. Every bond shall provide that no suit may be maintained to enforce any liability on the bond unless brought within 2 years after the sale or other act upon which such liability is based.

(f) The license of a broker-dealer or agent may be renewed by filing with the Department prior to the expiration thereof an application containing such

information as the Department may require to indicate any material change in the information contained in the original application or any renewal thereof, payment of the prescribed fee and, in the case of a broker-dealer, a financial statement showing the financial condition of such broker-dealer as of a date within 1 year prior to the date of such application for renewal.

(g) The Department may by rule fix such other fees as are deemed necessary and appropriate for services provided in connection with the administration of this chapter. Such fees shall be generally commensurate with the cost of the service provided. (May 21, 1997, D.C. Law 11-268, § 10(a)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commissioner” throughout the section.

Legislative history of Law 11-268. — See note to § 2-2601.

§ 2-2605. Unlawful representations.

(a) Neither the fact that an application for a license has been filed nor the fact that a person is effectively licensed shall constitute a finding by the Department that any document filed under this chapter, or that any statement made therein, is true, complete, and not misleading. Neither any such fact nor the fact that an exemption is available for any person, security or transaction shall mean that the Department has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, security, or transaction.

* * * * *

(May 21, 1997, D.C. Law 11-268, § 10(a)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission” twice in (a).

Legislative history of Law 11-268. — See note to § 2-2601.

§ 2-2606. Records; reports.

* * * * *

(b) All the records and reports referred to in subsection (a) of this section shall be subject at any time or from time to time to such reasonable periodic, special, or other examinations by the Department, within or without the District, as the Department may deem necessary or appropriate in the public interest or for the protection of investors. For the purpose of avoiding unnecessary duplication of examinations, the Department, insofar as it may deem it practicable in administering this subsection, may cooperate with the securities administrator of any state, the Securities and Exchange Commission, and any national securities exchange or national securities association registered under the Securities Exchange Act of 1934. (Aug. 30, 1964, 78 Stat. 625, Pub. L. 88-503, § 7; 1973 Ed., § 2-2406; May 21, 1997, D.C. Law 11-268, § 10(a)(2), 44 DCR 1730; Mar. 24, 1998, D.C. Law 12-81, § 5(a), 45 DCR 745.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission” in (a); and substituted “Department” for the first 3 occurrences of “Commission” in (b).

D.C. Law 12-81 substituted “Securities and Exchange Commission” for “Securities and Exchange Department” in (b).

Legislative history of Law 11-268. — See note to § 2-2601.

Legislative history of Law 12-81 — Law 12-81, the “Technical Amendments Act of 1998,” was introduced in Council and assigned Bill No. 12-408, which was referred to the Committee of the Whole. The Bill was adopted on first

and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

§ 2-2607. Filing of sales and advertising literature.

The Department may by order require any specific broker-dealer or agent to file with the Department any prospectus, pamphlet, circular, form letter, advertisement, or other sales literature or advertising communication addressed or intended for distribution to prospective investors, except sales and advertising literature describing an exempt security as defined in § 2-2601(5) or used in an exempt transaction as defined in § 2-2601(6). (Aug. 30, 1964, 78 Stat. 625, Pub. L. 88-503, § 8; 1973 Ed., § 2-2407; May 21, 1997, D.C. Law 11-268, § 10(a)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission” twice.

Legislative history of Law 11-268. — See note to § 2-2601.

§ 2-2608. False or misleading filings.

It shall be unlawful for any person to make, or cause to be made, in any document filed with the Department or in any proceeding under this chapter any statement which is, at the time and in the light of the circumstances in which it is made, false or misleading in any material respect. (Aug. 30, 1964, 78 Stat. 626, Pub. L. 88-503, § 9; 1973 Ed., § 2-2408; May 21, 1997, D.C. Law 11-268, § 10(a)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission.”

Legislative history of Law 11-268. — See note to § 2-2601.

§ 2-2609. Denial, revocation, suspension, cancellation, and withdrawal of license.

(a)(1) The Department may by order deny, suspend, or revoke any license if it finds that the order is in the public interest and that the applicant or licensee or, in the case of a broker-dealer, any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer:

* * * * *

(E) Is the subject of an order of the Department denying, suspending, or revoking a license as a broker-dealer or agent;

(F) Is the subject of an order entered within the past 5 years by the securities administrator of any state or by the Securities and Exchange Commission denying or revoking a license or registration as a broker-dealer or agent, or the substantial equivalent of those terms as defined in this chapter, or is the subject of an order of the Securities and Exchange Commission suspending or expelling him from a national securities exchange or national

securities association, or is the subject of a United States Postal Service fraud order; but:

(i) The Department may not institute a revocation or suspension proceeding under this subparagraph more than 2 years from the date of the order or action relied on; and

(ii) It may not enter an order under this subparagraph on the basis of an order under a state act unless that order was based on facts which would currently constitute a ground for an order under this section;

* * * * *

(H) Is insolvent, either in the sense that his liabilities exceed his assets or in the sense that he cannot meet his obligations as they mature; but the Department may not enter an order against a broker-dealer under this subparagraph without a finding of insolvency as to the broker-dealer; or

(I) Is not qualified on the basis of such factors as training, experience, and knowledge of the securities business, except as otherwise provided in subsection (b) of this section.

(2) The Department may by order deny, suspend, or revoke any license if it finds that the order is in the public interest and that the applicant or licensee:

* * * * *

(B) Has failed to pay the proper filing fee; but the Department may enter only a denial order under this subparagraph, and it shall vacate any such order when the deficiency has been corrected.

(3) The Department may not institute a suspension or revocation proceeding solely on the basis of a fact or transaction known to it when the license became effective unless the proceeding is instituted within the next 30 days.

(b) The following provisions shall govern the application of subsection (a)(1)(I) of this section:

(1) The Department may not enter an order against a broker-dealer on the basis of the lack of qualification of any person other than:

* * * * *

(2) The Department may not enter an order solely on the basis of lack of experience if the applicant or licensee is qualified by training or knowledge or both;

(3) The Department shall consider that an agent who will work under the supervision of a licensed broker-dealer need not have the same qualifications as a broker-dealer; and

(4) The Department shall by rule provide for an examination, which may be written or oral or both, to be taken by any class of, or all, applicants.

(c) The Department may by order summarily postpone issuance of a license or suspend an effective license pending determination of any proceeding under this section. Upon the entry of the order, the Department shall promptly notify the applicant or licensee, as well as the employer or prospective employer if the applicant or licensee is an agent, that it has been entered and of the reasons

therefor and that within 15 days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the Department, the order will remain in effect until it is modified or vacated by the Department. If hearing is requested or ordered, the Department, after notice of an opportunity for hearing, may modify or vacate the order or extend it until final determination.

(d) If the Department finds that any licensee or applicant for a license is no longer in existence, has ceased to do business as a broker-dealer or agent, has been adjudicated to be of unsound mind, or is subject to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the Department may by order cancel the license or application.

(e) Withdrawal of a license of a broker-dealer or agent shall become effective 30 days after receipt of an application to withdraw or within such shorter period of time as the Department may determine, unless a revocation or suspension proceeding is pending when the application is filed or a proceeding to revoke or suspend or to impose conditions upon the withdrawal is instituted within 30 days after the application is filed. If a proceeding is pending or instituted, withdrawal shall become effective at such time and upon such conditions as the Department shall by order determine. If no proceeding is pending or instituted and withdrawal automatically becomes effective, the Department may nevertheless institute a revocation or suspension proceeding under subsection (a)(1)(B) of this section within one year after withdrawal became effective and enter a revocation or suspension order as of the last date on which the license was effective.

* * * * *

(May 21, 1997, D.C. Law 11-268, § 10(a)(2), 44 DCR 1730; Mar. 24, 1998, D.C. Law 12-81, § 5(b), 45 DCR 745.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission” throughout the section except for the occurrence of “commission” at the end of (a)(1)(C) and except for the 2 occurrences of “Commission” following “Securities and Exchange” in the introductory language of (a)(1)(F).

D.C. Law 12-81 validated a previously made technical correction in (a)(1)(F).

Legislative history of Law 11-268. — See note to § 2-2601.

Legislative history of Law 12-81. — See note in § 2-2606.

§ 2-2610. Investigations.

(a) The Department, in its discretion:

* * * * *

(2) May require or permit any person to file a statement in writing, under oath or otherwise as the Department may determine, as to all the facts and circumstances concerning the matter to be investigated; and

(3) May publish information concerning any violation of this chapter or any rule or order hereunder, except that no public statement, notice, or release concerning any investigation, proceeding, or order under this chapter which is not a finding of a hearing examiner or a final determination of the Department shall allege a violation of this chapter or a ground for denial, suspension, or revocation of a license, unless such statement, notice, or release specifies that

such allegations are unproved until final determination, and that the purpose of the investigation or proceeding is to determine whether the allegations are true.

(b) For the purpose of any investigation or proceeding under this chapter, the Department may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, agreements, or other documents or records which it deems relevant or material to the inquiry.

(c) In case of contumacy by or refusal to obey a subpoena issued to any person, the Superior Court of the District of Columbia, upon application by the Department with the approval of the United States Attorney for the District of Columbia, may issue an order compelling such person to appear before the Department, or the officer designated by it, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question; and any failure to obey such order of the Court may be punished by such Court as a contempt thereof.

(d) No person shall be excused from attending and testifying or from producing any document or record before the Department, or the officer designated by it, in obedience to a court order pursuant to subsection (c) of this section, on the ground that the testimony or evidence (documentary or otherwise) required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is by such order compelled, after claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual testifying shall not be exempt from prosecution and punishment for perjury or contempt committed in testifying.

(e) Any person compelled to appear in person before the Department or a representative thereof shall be accorded the right to be accompanied, represented, and advised by counsel. (Aug. 30, 1964, 78 Stat. 628, Pub. L. 88-503, § 11; July 29, 1970, 84 Stat. 571, Pub. L. 91-358, title I, § 155(c) (11) (A); 1973 Ed., § 2-2410; May 21, 1997, D.C. Law 11-268, § 10(a)(2), 44 DCR 1730; Mar. 24, 1998, D.C. Law 12-81, § 5(c), 45 DCR 745.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission” throughout the section.

D.C. Law 12-81 validated a previously made technical correction in (a)(3).

Legislative history of Law 11-268. — See note to § 2-2601.

Legislative history of Law 12-81. — See note in § 2-2606.

§ 2-2611. Injunctions.

Whenever it shall appear to the Department that any person has engaged, or is about to engage, in any act or practice constituting a violation of this chapter or any rule or order hereunder, it may in its discretion bring an action in the Superior Court of the District of Columbia to enjoin the acts or practices and to enforce compliance with this chapter or any rule or order hereunder. Upon a proper showing a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The Court may not require the Department to post a bond. (Aug. 30, 1964, 78 Stat. 629, Pub. L.

88-503, § 12; July 29, 1970, 84 Stat. 571, Pub. L. 91-358, title I, § 155(c)(11) (B); 1973 Ed., § 2-2411; May 21, 1997, D.C. Law 11-268, § 10(a)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission” twice.

Legislative history of Law 11-268. — See note to § 2-2601.

§ 2-2613. Civil liabilities.

Cited in *Jacobs v. Mones*, 169 Bankr. 246 (Bankr. D.D.C. 1994); *Cunningham v. Bathon*, App. D.C., 719 A.2d 497 (1998).

§ 2-2614. Civil penalties.

(a) Any person who violates any provision of this chapter, or of any rule or order issued hereunder, shall be subject to civil penalty not to exceed \$5,000 for each such violation. Each sale of a security in violation of the provisions of this chapter, or rule or order hereunder, shall constitute a separate offense. The Department may request the seller to rescind any such sale and to make restitution to the purchaser, and if the seller complies with such request that fact shall be taken into consideration in establishing the civil penalty.

(b) The Department may by order suspend or revoke any license if it finds that such order is in the public interest and that the licensee has failed to pay any civil penalty imposed pursuant to this section by order of the Department.

* * * * *

(May 21, 1997, D.C. Law 11-268, § 10, 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission” throughout (a) and (b).

Legislative history of Law 11-268. — See note to § 2-2601.

§ 2-2615. Application of chapter; service of process.

* * * * *

(f) Any applicant for a license under this chapter shall file with the Department, in such form as it by rule may prescribe, an irrevocable consent appointing the Securities Director, or his successor in office, to be his attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against him or his successor, executor, or administrator which shall arise under this chapter, or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who shall have filed such a consent in connection with 1 application or offering need not file another. Service may be made by leaving a copy of the process in the office of the Department, but it shall not be effective unless:

(1) The plaintiff forthwith shall send notice of the service and a copy of the process by registered mail to the defendant or respondent at his last address on file with the Department; and

(2) The plaintiff's affidavit of compliance with this subsection shall be filed in the case on or before the return day of the process, if any, or within such further time as the court may allow.

(g) When any person, including any nonresident of the District, shall engage in conduct prohibited or made actionable by this chapter or any rule or order under this chapter and he shall not have filed a consent to service of process under subsection (f) of this section and personal jurisdiction over him cannot otherwise be obtained in the District, that conduct shall be considered equivalent to his appointment of the Securities Director, or his successor in office, to be his attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against him or his successor, executor, or administrator which shall arise from that conduct and which shall be brought under this chapter or any rule or order under this chapter, with the same force and validity as if served on him personally. Service may be made by leaving a copy of the process in the office of the Department, but it shall not be effective unless:

* * * * *

(h) For the purposes of subsections (f) and (g) of this section, the term "plaintiff" includes the Department in any suit, action, or proceeding initiated by it.

(i) After service of process under this section, the court, or the Department in a proceeding before it, shall order such continuance as may be necessary to afford the defendant or respondent reasonable opportunity to defend. (Aug. 30, 1964, 78 Stat. 630, Pub. L. 88-503, § 15; 1973 Ed., § 2-2414; Mar. 5, 1981, D.C. Law 3-133, § 2(f), 27 DCR 4417; May 21, 1997, D.C. Law 11-268, § 10(a)(2), 44 DCR 1730; Mar. 24, 1998, D.C. Law 12-81, § 5(d), 45 DCR 745.)

Effect of amendments. — D.C. Law 11-268 substituted "Department" for "Commission" throughout the section; and substituted "the Securities Director" for "each member of the Commission" in the introductory language of (f) and in the introductory language of (g).

D.C. Law 12-81 validated technical corrections previously made in (f), (h), and (i).

Legislative history of Law 11-268. — See note to § 2-2601.

Legislative history of Law 12-81 — See note in § 2-2606.

§ 2-2616. Administration of chapter.

(a) This chapter shall be administered by the Department of Insurance and Securities Regulation. The Department is hereby authorized to establish such offices with such names or titles, and to appoint and employ such officers and employees and prescribe their duties, as may be necessary to carry out the provisions of this chapter.

* * * * *

(c) A majority of the members of the Department shall constitute a quorum to do business, and any vacancy shall not impair the power of the remaining members to exercise all the powers of the Department. In the case of any application, investigation, inquiry, hearing, or proceeding under this chapter, the Department may designate one of its members or a hearing examiner to examine documents, hear testimony and submit to the Department the record

of testimony, and such documents with his proposed findings and conclusions of fact and law.

(d) The Department is hereby authorized to make, amend, and rescind such rules, orders, and forms as may be necessary to carry out the provisions of this chapter, including, but not limited to, rules, orders, and forms governing applications and amendments thereto, investigations, inquiries, hearings, and proceedings, and including by rule definitions of any items, whether or not used in this chapter, insofar as the definitions are not inconsistent with the provisions of this chapter. For the purposes of rules and forms, the Department may classify persons and matters within its jurisdiction and may prescribe different requirements for different classes.

(e) No rule, form, or order may be made, amended, or rescinded, unless the Department finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this chapter. In prescribing rules and forms, the Department may cooperate with the securities administrator of any state and the Securities and Exchange Commission with a view to effectuating the policy of this chapter to achieve maximum uniformity in the form and content of license applications, records, and reports, and other documents wherever practicable.

(f) The Department may by rule or order prescribe:

* * * * *

(2) The circumstances under which such statements, records, reports or other documents shall be filed with the Department; and

* * * * *

(g) All rules and forms of the Department made under this chapter shall be published.

(h) No provision of this chapter imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, form, or order of the Department, notwithstanding that the rule, form, or order may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

(i) A document shall be deemed to be filed or submitted to the Department when it is received by it during regular business hours.

(j) The Department shall keep a register of all license applications which are or have ever been effective under this chapter, and all denial, suspension, postponement, or revocation orders entered under this chapter. Such register shall be open for public inspection during regular business hours.

(k) License applications and materials submitted therewith or in connection therewith may be made available to the public under such rules as the Department may prescribe. Such rules may include, but shall not be limited to, rules prescribing reasonable fees for furnishing photostatic or other copies upon request. The Department may certify under seal such copy or copies of any document available to the public or any entry in the register, and any copy so certified shall be admitted as evidence with the same effect as the exemplifications of record referred to in § 14-501 of the District of Columbia Code.

(l) The Department may refer evidence concerning violations of this chapter or of any rule or order under this chapter to the United States Attorney for the District of Columbia who may, with or without such reference, institute criminal proceedings under this chapter. The Department shall comply with any request of the Attorney General of the United States, the Postmaster General of the United States, the Securities and Exchange Commission, or the United States Attorney for the District of Columbia for any information or evidence coming to it in the administration of the chapter. The Department in its discretion may refer any information or evidence coming to it in the administration of this chapter to any department or agency of the United States, to the securities administrator of any state, or to any national securities exchange or national securities association registered under the Securities Exchange Act of 1934.

(m) Any hearing held by the Department pursuant to this chapter shall be public unless the Department in its discretion and with the consent of all the parties to such hearing order that the hearing be conducted privately. (Aug. 30, 1964, 78 Stat. 632, Pub. L. 88-503, § 16; 1973 Ed., § 2-2415; Mar. 3, 1979, D.C. Law 2-139, § 3205(f), 25 DCR 5740; June 14, 1980, D.C. Law 3-70, § 7(a), 27 DCR 1776; Mar. 5, 1981, D.C. Law 3-133, § 2(f), 27 DCR 4417; May 21, 1997, D.C. Law 11-268, § 10(a)(3), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted “Department of Insurance and Securities Regulation” for “Public Service Commission of the District of Columbia” in (a); and substituted “Department” for “Commission”

throughout the section except where “Commission” appears as part of the phrase “Securities and Exchange Commission.”

Legislative history of Law 11-268. — See note to § 2-2601.

§ 2-2617. District of Columbia Securities Advisory Committee.

The Mayor of the District of Columbia shall appoint a District of Columbia Securities Advisory Committee (“Advisory Committee”) which shall consist of 6 members, who shall be residents of the District of Columbia or the State of Maryland or the State of Virginia, at least 2 of whom shall be actively engaged in the securities business and at least 2 of whom shall be members of the bar of the District of Columbia. In no case shall more than 3 members of the Advisory Committee be members of the same political party. The members shall be selected on the basis of their experience and qualifications to advise the Department of Insurance and Securities Regulation on all phases of the securities business. The members shall be appointed for staggered terms of 3 years each, with 2 members appointed each year, to serve without compensation and eligible for reappointment for additional terms, provided that not more than 2 of the terms are in succession. The duration of the terms of the 1st members appointed hereunder shall be designated by the Mayor at the time of their appointment. The members of the Advisory Committee shall select their own chairman. Meetings of the Advisory Committee shall be held when called by the Chairman of the Department of Insurance and Securities Regulation and may be attended by members of the said Department. The Advisory Committee shall give the Department of Insurance and Securities Regulation the benefit of its advice on any and all matters pertaining to the administration of this chapter, particularly the adoption, amendment or repeal of rules,

regulations, and forms provided for herein. (Aug. 30, 1964, 78 Stat. 633, Pub. L. 88-503, § 18; 1973 Ed., § 2-2416; Mar. 5, 1981, D.C. Law 3-133, § 2(f), 27 DCR 4417; May 21, 1997, D.C. Law 11-268, § 10(a)(4), 44 DCR 1730; Mar. 24, 1998, D.C. Law 12-81, § 5(e), 45 DCR 745.)

Effect of amendments. — D.C. Law 11-268 substituted “Department of Insurance and Securities Regulation” for “Public Service Commission” throughout the section.
D.C. Law 12-81 validated a previously made technical correction.

Legislative history of Law 11-268. — See note to § 2-2601.
Legislative history of Law 12-81 — See note in § 2-2606.

CHAPTER 26A. INVESTMENT ADVISERS.

- Sec.
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2-2642. Injunctions; cease and desist orders.
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2-2644. Administrative files and opinions.
2-2646. Civil penalties.
2-2647. Criminal penalties.
2-2649. Scope of the chapter; service of process.

Sec.
§ 2-2631. Definitions.

For the purposes of this chapter, the term:

(1) Repealed.

(1A) “Department” means the Department of Insurance and Securities Regulation.

(2) “Investment adviser” means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities. The term “investment adviser” includes financial planners and other persons who, as an integral component of other financially related services, provide the foregoing investment advisory services to others for compensation and as a part of a business or who hold themselves out as providing the foregoing investment advisory services to others for compensation. The term “investment adviser” shall not include:

* * * * *

(M) Such other persons not within the intent of this paragraph as the Department may by rule or order designate.

* * * * *

(May 21, 1997, D.C. Law 11-268, § 10(b)(1), 44 DCR 1730; Mar. 24, 1998, D.C. Law 12-81, § 6, 45 DCR 745.)

Section references. — This section is referred to in § 47-2853.4.

Effect of amendments. — D.C. Law 11-268 repealed (1); and inserted (1A).

D.C. Law 12-81 validated a previously made technical correction in (2)(M).

Legislative history of Law 11-268. — Law 11-268, the “Department of Insurance and Securities Regulation Establishment Act of 1996,” was introduced in Council and assigned Bill No. 11-415, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December

30, 1996, it was assigned Act No. 11-524 and transmitted to both Houses of Congress for its review. D.C. Law 11-268 became effective on May 21, 1997.

Legislative history of Law 12-81. — Law 12-81, the “Technical Amendments Act of 1998,” was introduced in Council and assigned Bill No. 12-408, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 1997, and December 22, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

§ 2-2632. Advisory activities.

(a) It shall be unlawful for any person who receives, directly or indirectly, any consideration from another person for advising the other person as to the value of securities or their purchase or sale, whether through the issuance of analyses, reports, or otherwise:

* * * * *

(4) To engage in dishonest or unethical practices as the Department may define by rule.

* * * * *

(c) Except as may be permitted by rule or order of the Department, it shall be unlawful for any investment adviser to enter into, extend, or renew any investment advisory contract unless it provides in writing:

* * * * *

(e) It shall be unlawful for any investment adviser to take or have custody of any securities or funds of any client in contravention of any rule or order of the Department prohibiting, limiting, or regulating such custody.

(f) The Department may by rule or order adopt exemptions from subsections (a)(3), (c)(1), (c)(2), and (c)(3) of this section where such exemptions are consistent with the public interest and within the purposes fairly intended by the policy and provisions of this chapter. (Mar. 17, 1993, D.C. Law 9-216, § 3, 40 DCR 37; May 21, 1997, D.C. Law 11-268, § 10(b)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission” in (a)(4), (c), (e), and (f).

Legislative history of Law 11-268. — See note to § 2-2631.

§ 2-2633. Misleading filings.

It shall be unlawful for any person to make or cause to be made, in any document filed with the Department or in any proceeding under this chapter, any statement which is, at the time and in the light of the circumstances under which it is made, false or misleading in any material respect. (Mar. 17, 1993,

D.C. Law 9-216, § 4, 40 DCR 37; May 21, 1997, D.C. Law 11-268, § 10(b)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission.”

Legislative history of Law 11-268. — See note to § 2-2631.

§ 2-2634. Unlawful representation concerning registration or exemption.

(a) Neither the filing of an application for registration pursuant to this chapter nor the registration of a person constitutes a finding by the Department that any document filed under this chapter is true, complete, and not misleading. Neither any such fact nor the fact that an exemption or exception is available means that the Department has considered the merits or qualifications of, or recommended, or given approval to any person.

* * * * *

(May 21, 1997, D.C. Law 11-268, § 10(b)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission” twice in (a).

Legislative history of Law 11-268. — See note to § 2-2631.

§ 2-2635. Registration requirement.

(a) It shall be unlawful for any person to transact business in the District of Columbia (“District”) as an investment adviser or as an investment adviser representative unless:

* * * * *

(2) The person’s only clients in the District are investment companies as defined in the Investment Company Act of 1940 (15 U.S.C. § 80a-1 et seq.), other investment advisers, dealers, banks, trust companies, savings institutions, savings and loan associations, insurance companies, employee benefit plans with assets of not less than \$1,000,000, governmental agencies or instrumentalities, whether acting for themselves or as trustees with investment control, or other institutional investors as are designated by rule or order of the Department;

* * * * *

(b) It shall be unlawful for any investment adviser required to be registered to employ or associate an investment adviser representative unless the investment adviser representative is registered under this chapter. The registration of an investment adviser representative is not effective during any period when the representative is not employed or associated with an investment adviser registered under this chapter. When an investment adviser representative begins or terminates employment or association with an investment adviser, the investment adviser shall promptly notify the Department. No investment adviser representative may be registered with more than 1 investment adviser unless the investment advisers which employ or associ-

ate the investment adviser representative are under common ownership or control.

* * * * *

(May 21, 1997, D.C. Law 11-268, § 10(b)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission” in (a)(2) and (b). **Legislative history of Law 11-268.** — See note to § 2-2631.

§ 2-2636. Registration procedures.

(a) An investment adviser or investment adviser representative may obtain an initial or renewal registration by filing with the Department an application together with a consent to service of process pursuant to § 2-2649. The application shall contain whatever information the Department by rule requires, including:

* * * * *

(b) If no denial order is in effect and no proceeding is pending under § 2-2638, registration shall become effective at noon of the 30th day after an application is filed. The Department may by rule or order specify an earlier effective date, and it may by rule or order defer the effective date until noon of the 30th day after the filing of any amendment.

(c) Every applicant for initial or renewal registration shall pay a filing fee which shall be fixed by the Department. When an application is denied or withdrawn, the Department shall retain the fee.

(d) A registered investment adviser may file an application for registration of a successor, whether or not the successor is then in existence, for the unexpired portion of the year. There shall be no filing fee. An investment adviser representative shall pay a fee that shall be determined by the Department when transferring from one investment adviser to another.

(e) The Department may by rule establish minimum net capital requirements for registered investment advisers, which may include different requirements for those investment advisers who maintain custody of client funds or securities or who have discretionary authority over client funds or securities and those investment advisers who do not.

(f) The Department may by rule require registered investment advisers who have custody of or discretionary authority over client funds or securities to post surety bonds in amounts up to \$100,000, and may determine their conditions. An appropriate deposit of cash or securities shall be accepted in lieu of any bond so required. No bond may be required of any investment adviser whose minimum net capital, which may be defined of rule, exceeds \$100,000. Every bond shall provide for suit thereon by any person who has a cause of action under § 2-2645 and, if the Department by rule or order requires, by any person who has a cause of action not arising under this chapter. Every bond shall provide that no suit may be maintained to enforce any liability on the bond unless brought within the time limitations of § 2-2645(f). (Mar. 17, 1993, D.C. Law 9-216, § 7, 40 DCR 37; May 21, 1997, D.C. Law 11-268, § 10(b)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission” throughout the section.

Legislative history of Law 11-268. — See note to § 2-2631.

§ 2-2637. Post-registration provisions.

(a) Every registered investment adviser shall make and keep such accounts, correspondence, memoranda, papers, books, and records as the Department by rule prescribes. All records so required shall be preserved for 3 years unless the Department by rule prescribes otherwise for particular types of records.

(b) With respect to investment advisers, the Department may require that certain information be furnished or disseminated as necessary or appropriate in the public interest or for the protection of investors and advisory clients. To the extent determined by the Department in its discretion, information furnished to clients or prospective clients of an investment adviser pursuant to the Investment Advisers Act of 1940 (15 U.S.C. § 80a-1 *et seq.*) and the rules thereunder may be used in whole or partial satisfaction of this requirement.

(c) Every registered investment adviser shall file such financial reports as the Department by rule prescribes.

(d) If the information contained in any document filed with the Department is or becomes inaccurate or incomplete in any material respects, the registrant shall promptly file a correcting amendment unless notification of the correction has been given under § 2-2636.

(e) All the records referred to in subsection (a) of this section are subject at any time, or from time to time, to such reasonable periodic, special, or other examinations by representatives of the Department, within or outside the District, as the Department deems necessary or appropriate in the public interest or for the protection of investors. For the purpose of avoiding unnecessary duplication of examinations, the Department, insofar as it deems practicable in administering this subsection, may cooperate with the securities administrators of other states, the Securities and Exchange Commission, and any national securities exchange or national securities association registered under the Securities Exchange Act of 1934 (15 U.S.C. § 78a *et seq.*). (Mar. 17, 1993, D.C. Law 9-216, § 8, 40 DCR 37; May 21, 1997, D.C. Law 11-268, § 10(b)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission” throughout the section except where “Commission” appears as part of the phrase “Securities and Exchange Commission.”

Legislative history of Law 11-268. — See note to § 2-2631.

§ 2-2638. Denial, revocation, suspension, bar, censure, cancellation, and withdrawal of registration.

(a) The Department may by order deny, suspend, or revoke any registration, or bar or censure any registrant or any officer, director, partner, or persons occupying a similar status or performing similar functions for a registrant, from employment with a registered investment adviser, or restrict or limit a registrant as to any function or activity of the business for which registration is required in the District if it finds:

* * * * *

(2) That the applicant or registrant or, in the case of an investment adviser, any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the investment adviser:

* * * * *

(E) Is the subject of an order of the Department denying, suspending, barring, revoking, restricting, or limiting registration as a broker-dealer, agent, investment adviser, or investment adviser representative;

(F) Is the subject of an adjudication or determination within the past 5 years by a securities, commodities, or other financial services regulatory agency, or an administrator of such laws of another state or a court of competent jurisdiction that the person has violated the Securities Act of 1933 (15 U.S.C. § 77a et seq.), the Securities Exchange Act of 1934 (15 U.S.C. § 78a et seq.), the Investment Advisers Act of 1940 (15 U.S.C. § 80b-1 et seq.), the Investment Company Act of 1940 (15 U.S.C. § 80a-1 et seq.), the Commodity Exchange Act (7 U.S.C. § 1 et seq.), or the securities or commodities law of any other state or any other financial services regulatory laws as the Department may designate by rule;

* * * * *

(H) Is insolvent, either in the sense that their liabilities exceed their assets or they cannot meet their obligations as they mature; but the Department may not enter an order against an investment adviser under this subparagraph without a finding of insolvency as to the investment adviser;

(I) Is not qualified on the basis of such factors as training, experience, and knowledge of the securities business, except as otherwise provided in subsection (b) of this section;

(J) Has failed reasonably to supervise their investment adviser representatives or employees, if they are an investment adviser, to assure their compliance with this chapter; or

(K) Has failed to pay the proper filing fee; but the Department may enter only a denial order under this clause, and it shall vacate any such order when the deficiency has been corrected.

(b) The Department may not institute a suspension or revocation proceeding on the basis of a fact or transaction known to it when registration became effective unless the proceeding is instituted within the next 30 days.

(c) The following provisions govern the application of subsection (a)(2) of this section:

(1) The Department may not enter an order against an investment adviser on the basis of the lack of qualification of any person other than:

* * * * *

(2) The Department may not enter an order solely on the basis of lack of experience if the applicant or registrant is qualified by training or knowledge or both.

(3) The Department shall consider that an investment adviser representative who will work under the supervision of a registered investment adviser need not have the same qualifications as an investment adviser.

(4) The Department shall consider that an investment adviser or investment adviser representative is not necessarily qualified solely on the basis of experience as a broker-dealer or agent.

(5) The Department may by rule provide for an examination, including an examination developed or approved by an organization of securities administrators, which examination may be written or oral or both, to be taken by any class or all applicants. The Department may by rule or order waive the examination requirement as to a person or class of persons if the Department determines that the examination is not necessary for the protection of advisory clients.

(d) The Department may by order summarily postpone or suspend registration pending final determination of any proceeding under this section. Upon the entry of the order, the Department shall promptly notify the applicant or registrant, as well as the employer or prospective employer if the applicant or registrant is an investment adviser representative, that it has been entered and of the reasons therefor, and that within 30 days after the receipt of a written request for a hearing the date for the hearing shall be scheduled. If a hearing is not requested and a hearing is not ordered by the Department, the order will remain in effect until it is modified or vacated by the Department. If a hearing is requested or ordered, the Department, after notice of an opportunity for hearing, may modify or vacate the order or extend it until final determination.

(e) If the Department finds that any registrant or applicant for registration is no longer in existence or has ceased to do business as an investment adviser or investment adviser representative, or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the Department may by order cancel the registration or application.

(f) Withdrawal from registration as an investment adviser or investment adviser representative shall become effective 30 days after receipt of an application to withdraw or within such shorter period of time as the Department may determine, unless a revocation or suspension proceeding is pending when the application is filed or a proceeding to revoke or suspend or to impose conditions upon the withdrawal is instituted within 90 days after the application is filed. If a proceeding is pending or instituted, withdrawal becomes effective at such time and upon such conditions as the Department by order determines. If no proceeding is pending or instituted and withdrawal automatically becomes effective, the Department may institute a revocation or suspension proceeding under subsection (a)(2)(B) of this section within one year after withdrawal became effective and enter a revocation or suspension order as of the last date on which registration was effective.

* * * * *

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission” throughout the section.

Legislative history of Law 11-268. — See note to § 2-2631.

§ 2-2639. Alternative methods of registration.

(a) The Department may by rule or order provide an alternative method of registration by which any investment adviser or investment adviser representative may satisfy the requirements of this chapter by furnishing the information otherwise required to be filed pursuant to this chapter. The Department may provide for, among other things, alternative filing periods for investment advisers and investment adviser representatives, elimination of the issuance of a paper license, and alternative methods for the payment and collection of initial or renewal filing fees, which shall be known as “alternative filing fees.” The alternative filing fees shall be the same as provided in § 2-2636(c).

(b) The Department may not adopt an alternative method of registration unless its purpose is to facilitate a central registration depository whereby investment advisers and investment adviser representatives can centrally or simultaneously register and pay fees for all states in which they plan to transact business that requires registration. The Department may enter into an agreement with or otherwise facilitate an alternative method of registration with any national securities association registered with the Securities and Exchange Commission pursuant to section 15A of the Securities Exchange Act of 1934, or any national association of state securities administrators or similar association to effectuate the provisions of this section.

(c) Nothing in this section shall be construed to prevent the exercise of the authority of the Department as provided in § 2-2638. (Mar. 17, 1993, D.C. Law 9-216, § 10, 40 DCR 37; May 21, 1997, D.C. Law 11-268, § 10(b)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission” throughout the section except where “Commission” appears as part of the phrase “Securities Exchange Commission.”

Legislative history of Law 11-268. — See note to § 2-2631.

§ 2-2640. Administration.

(a) The Department may delegate all or part of the authority under this chapter, including, but not limited to, the authority to conduct hearings, and make, execute, and issue final agency orders and decisions.

(b) It shall be unlawful for the Department or any of its officers or employees to use for personal benefit any information which is filed with or obtained by the Department and which is not made public. No provision of this chapter authorizes the Department or any of its officers or employees to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under this chapter. No provision of this chapter either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the Department or any of its officers or employees.

(c) All fees provided for under this chapter shall be collected by the Department and shall be paid over to the Treasury of the District of Columbia

to the credit of the General Fund. (Mar. 17, 1993, D.C. Law 9-216, § 11, 40 DCR 37; May 21, 1997, D.C. Law 11-268, § 10(b)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission” throughout the section.

Legislative history of Law 11-268. — See note to § 2-2631.

§ 2-2641. Investigations and subpoenas.

(a) The Department, in its discretion:

* * * * *

(2) May require or permit any person to file a statement in writing, under oath or otherwise as the Department determines, as to all the facts and circumstances concerning the matter to be investigated; and

* * * * *

(b) For the purpose of any investigation or proceeding under this chapter, the Department or any officer designated by it may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the Department deems relevant or material to the inquiry.

(c) In case of contumacy by, or refusal to obey a subpoena issued to any person, any court of competent jurisdiction, upon application by the Department, may issue to the person an order requiring the person to appear before the Department, or the officer designated by the person, to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

(d) The Department may act under subsection (b) of this section or apply under subsection (c) of this section to enforce subpoenas in the District at the request of a securities agency or administrator of any state if the alleged activities constituting a violation for which the information is sought would be a violation of this chapter or any rule hereunder if the alleged activities had occurred in the District. (Mar. 17, 1993, D.C. Law 9-216, § 12, 40 DCR 37; May 21, 1997, D.C. Law 11-268, § 10(b)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission” throughout the section.

Legislative history of Law 11-268. — See note to § 2-2631.

§ 2-2642. Injunctions; cease and desist orders.

(a) Whenever it appears to the Department that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule or order hereunder, it may in its discretion bring an action in any court of competent jurisdiction to enjoin the acts or practices and to enforce compliance with this chapter or any rule or order hereunder. Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or

conservator may be appointed for the defendant or the defendant's assets. The court may not require the Department to post a bond.

(b)(1) If the Department determines, after giving notice of an opportunity for a hearing, that any person has engaged in, or is about to engage in, any act or practice constituting a violation of any provision of this chapter or any rule or order hereunder, it may order such person to cease and desist from such unlawful act or practice and take such affirmative action as in the judgment of the Department will carry out the purposes of this chapter.

(2) If the Department makes written findings of fact that the public interest will be irreparably harmed by delay in issuing an order under paragraph (1) of this subsection, the Department may issue a temporary cease and desist order. Upon the entry of a temporary cease and desist order, the Department shall promptly notify in writing the person subject to the order that the order has been entered, the reasons therefore, and that within 30 days after the receipt of a written request for a hearing the date for the hearing shall be scheduled to determine whether the order shall become permanent and final. If no hearing is requested and none is ordered by the Department, the order shall remain in effect until it is modified or vacated by the Department. If a hearing is requested or ordered, the Department, after giving notice of an opportunity for a hearing to the persons subject to the order, shall by written findings of fact and conclusions of law, vacate, modify, or make permanent the order.

(3) No order issued under paragraph (1) of this subsection, except an order issued pursuant to paragraph (2) of this subsection, may be entered without prior notice or an opportunity for hearing. The Department may vacate or modify an order under this subsection upon its finding that the conditions which required such an order have changed and that it is in the public interest to so vacate or modify.

(4) A final order issued pursuant to the provisions of this subsection shall be subject to review as provided by law. (Mar. 17, 1993, D.C. Law 9-216, § 13, 40 DCR 37; May 21, 1997, D.C. Law 11-268, § 10(b)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted "Department" for "Commission" throughout the section.

Legislative history of Law 11-268. — See note to § 2-2631.

§ 2-2643. Rules, forms, orders, and hearings.

(a) The Department may from time to time make, amend, and rescind such rules, forms, and orders as are necessary to carry out the provisions of this chapter, including rules and forms governing registration, applications, and reports, and define any terms, whether or not used in this chapter, insofar as the definitions are not inconsistent with the provisions of this chapter. For the purpose of rules and forms, the Department may classify persons, and matters within its jurisdiction, and prescribe different requirements for different classes. In establishing classes as indicated above, the Department shall take into consideration, among others, the following:

* * * * *

(b) No rule, form, or order may be made, amended, or rescinded unless the Department finds that the action is necessary or appropriate to the public

interest or for the protection of investors and clients and consistent with the purposes fairly intended by the policy and provisions of this chapter. In prescribing rules and forms, the Department may cooperate with the securities administrators of the other states and the Securities and Exchange Commission with a view to effectuating the policy of this chapter to achieve maximum uniformity in the form and content of registrations, applications, and reports wherever practicable.

(c) The Department may by rule or order prescribe:

* * * * *

(d) The Department may by rule or order require the filing of any prospectus, pamphlet, circular, form letter, advertisement, or other sales literature or advertising communication addressed or intended for distribution to prospective investors, including clients or prospective clients of an investment adviser.

(e) All rules and forms of the Department shall be published.

(f) No provision of this chapter imposing any liability applies to any act done or omitted in good faith in conformity with any rule, form, or order of the Department, notwithstanding that the rule, form, or order may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

(g) Every hearing in an administrative proceeding shall be public; provided, however, that the Department, in its discretion, may grant a request that the hearing be conducted privately under a strong showing of one or more of the following:

* * * * *

(May 21, 1997, D.C. Law 11-268, § 10(b)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted “Department” for “Commission” throughout the section except where “Commission” appears as part of the phrase “Securities and Exchange Commission.”

Legislative history of Law 11-268. — See note to § 2-2631.

§ 2-2644. Administrative files and opinions.

(a) A document is filed when it is received in the office of the Department Secretary.

(b) The Department shall keep a register of all applications for registration which are or have been effective under this chapter and all denial, suspension, or revocation orders or similar orders which have been entered under this chapter. The register shall be open for public inspection.

(c) The information contained in or filed with any registration, application, or report may be made available to the public under such rules as the Department prescribes; provided, however, that the Department may, for good cause, classify certain documents as “confidential and nonpublic” where the release of such information could be highly prejudicial.

(d) Upon request and at such reasonable charges as it prescribes, the Department shall furnish to any person photostatic or other copies (certified under its seal of office if requested of any entry in the register) or any document

which by rule has not been classified as "confidential and nonpublic." In any proceeding or prosecution under this chapter, any copy so certified is prima facie evidence of the contents of the entry or document certified.

(e) The Department, in its discretion, may honor requests from interested persons for interpretive opinions upon the payment of a fee established by the Department. (Mar. 17, 1993, D.C. Law 9-216, § 15, 40 DCR 37; May 21, 1997, D.C. Law 11-268, § 10(b)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted "Department" for "Commission" throughout the section. **Legislative history of Law 11-268.** — See note to § 2-2631.

§ 2-2646. Civil penalties.

(a) Any person who violates any provision of this chapter, or any rule or order issued hereunder, shall be subject to a civil penalty not to exceed \$5,000 for each violation. Each investment advisory contract, transaction, or activity in violation of the provisions of this chapter shall constitute a separate offense. The Department may request the investment adviser or investment adviser representative to rescind any such contract or transaction and to make restitution to the user of the investment advisory service, and if the investment adviser or investment adviser representative complies with the request, the Department shall consider such compliance in determining whether a penalty should be imposed on account of that illegal contract, transaction, or activity and, if so, the amount of the penalty.

(b) The Department may, by order, suspend or revoke any license if it finds that such order is in the public interest and that the licensee has failed to pay any civil penalty imposed pursuant to this section by order of the Department. (Mar. 17, 1993, D.C. Law 9-216, § 17, 40 DCR 37; May 21, 1997, D.C. Law 11-268, § 10(b)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted "Department" for "Commission" throughout the section. **Legislative history of Law 11-268.** — See note to § 2-2631.

§ 2-2647. Criminal penalties.

* * * * *

(b) The Department may refer such evidence as is available concerning violations of this chapter or of any rule or order hereunder to the Corporation Counsel of the District of Columbia, who may, with or without a referral, institute the appropriate criminal proceedings under this chapter.

* * * * *

(May 21, 1997, D.C. Law 11-268, § 10(b)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted "Department" for "Commission" in (b). **Legislative history of Law 11-268.** — See note to § 2-2631.

§ 2-2649. Scope of the chapter; service of process.

* * * * *

(b) Every applicant for registration under this chapter shall file with the Department in such form as it by rule prescribes, an irrevocable consent appointing the Department or its successor, in office to be the attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against them or their successor, executor, or administrator which arises under this chapter or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous registration need not file another. Service may be made by leaving a copy of the process in the office of the Department, but it is not effective unless (i) the plaintiff, who may be the Department in a suit, action, or proceeding instituted by the plaintiff, forthwith sends notice of the service and a copy of the process by registered or certified mail to the defendant's or respondent's last address on file with the Department, and (ii) the plaintiff's affidavit of compliance with the subsection is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

(c) When any person, including any nonresident of the District, engages in conduct prohibited or made actionable by this chapter or any rule or order hereunder, and the person has not filed a consent to service of process under subsection (b) of this section and personal jurisdiction over the person cannot otherwise be obtained in the District, that conduct shall be considered equivalent to the appointment of the Department or its successor, in office to be the attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against the successor, executor, or Department which grows out of that conduct and which is brought under this chapter or any rule or order hereunder with the same force and validity as if the person was served personally. Service may be made by leaving a copy of the process in the office of the Department, and it is not effective unless (i) the plaintiff, who may be the Department in a suit, action, or proceeding instituted by the plaintiff, forthwith sends notice of the service and a copy of the process by registered or certified mail to the defendant's or respondent's last known address or takes other steps which are reasonably calculated to give actual notice, and (ii) the plaintiff's affidavit of compliance with this subsection is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

(d) When process is served under this section, the court, or the Department in a proceeding before it, shall order such continuance as may be necessary to afford the defendant or respondent reasonable opportunity to defend. (Mar. 17, 1993, D.C. Law 9-216, § 20, 40 DCR 37; May 21, 1997, D.C. Law 11-268, § 10(b)(2), 44 DCR 1730.)

Effect of amendments. — D.C. Law 11-268 substituted "Department" for "Commission" throughout the section.

Legislative history of Law 11-268. — See note to § 2-2631.

CHAPTER 27. VETERINARIANS.

§ 2-2721. Purposes.

Section references. — This section is referred to in § 47-2853.4.

§ 2-2725. Board of Veterinary Examiners; duties of Mayor.

Section references. — This section is referred to in § 1-633.7.

CHAPTER 28. FUNERAL DIRECTORS.

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| <p>Sec.
2-2805. Qualifications, applications, and examinations for licensure.</p> <p>2-2812. Claim of human remains — Funeral services establishment entitled; settlement of disputed claims.</p> | <p>Sec.
2-2813. Same — Order of priority of next of kin.</p> |
|---|--|

§ 2-2801. Purposes.

Section references. — This section is referred to in § 47-2853.4.

§ 2-2803. Board of Funeral Directors; duties of Mayor; duties of Board; compensation of Board.

Section references. — This section is referred to in § 1-633.7.

§ 2-2805. Qualifications, applications, and examinations for licensure.

* * * * *

(b) *Special licensing.* —

(2) Any apprentice funeral director licensed by the District on May 22, 1984, and actively engaged in discharging the duties of a funeral director from January 1, 1973, through January 1, 1990, shall be qualified for licensure as a funeral director upon:

* * * * *

(5) The Mayor shall, within 6 months of June 19, 1998, establish the necessary examinations to test individuals for licensure as funeral directors under paragraphs (2) and (3) of this subsection. The Mayor shall conduct these examinations at least twice during the 2-year period following the date these examinations are established.

* * * * *

(e) *Funeral services establishment license.* —

(1) No funeral services establishment shall be operated in the District unless licensed as a funeral services establishment in accordance with subchapter I-A of Chapter 28 of Title 47.

(1A) Licenses issued under this subsection shall be issued as Class A Public Health Funeral Establishment endorsed to a master business license under the master business license system as set forth in subchapter I-A of Chapter 28 of Title 47.

* * * * *

(Apr. 20, 1999, D.C. Law 12-261, § 1239, 46 DCR 3142; Apr. 20, 1999, D.C. Law 12-263, § 13(a), 46 DCR 2111.)

Effect of amendments.

D.C. Law 12-261 substituted “in accordance with subchapter I-A of Chapter 28 of Title 47” for “under this chapter” in (e)(1), and added (e)(1A).

D.C. Law 12-263 substituted “1990” for “1983” in (b)(2); and substituted “1998” for “1992” in (b)(5).

Legislative history of Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

Legislative history of Law 12-263. —

Law 12-263, the “Residential Real Property Seller Disclosure, Funeral Services Date Change, and Public Service Commission Independent Procurement Authority Act of 1998,” was introduced in Council and assigned Bill No. 12-648, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first, amended first, and second readings on October 6, 1998, November 10, 1998, and December 1, 1998, respectively. Vetoed by the Mayor on December 29, 1998, Council overrode the veto on January 5, 1999 and the Bill was assigned Act No. 12-625 and transmitted to both Houses of Congress for its review. D.C. Law 12-263 became effective on April 20, 1999.

§ 2-2812. Claim of human remains — Funeral services establishment entitled; settlement of disputed claims.

The funeral services establishment retained by the person authorized pursuant to § 2-2813 shall be entitled to take possession of human remains. In the event that 2 or more establishments differ as to their legal right to take possession of human remains, they shall refer the matter to the Mayor or his or her designee for a decision. (May 22, 1984, D.C. Law 5-84, § 13, 31 DCR 1815; May 24, 1996, D.C. Law 11-129, § 2(a), 43 DCR 1568.)

Effect of amendments. — D.C. Law 11-129 substituted “the person authorized pursuant to § 2-2813” for “the person standing highest in order of priority of next of kin” in the first sentence.

Legislative history of Law 11-129. — Law 11-129, the “Human Remains Decisions Amendment Act of 1996,” was introduced in Council and Assigned Bill No. 11-399, which

was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on February 6, 1996, and March 5, 1996, respectively. Signed by the mayor on March 15, 1996, it was assigned Act No. 11-236 and transmitted to both Houses of Congress for its review. D. C. Law 11-129 became effective on May 24, 1996.

§ 2-2813. Same — Order of priority of next of kin.

(a) The oldest adult member of each class shall have prior claim of the human remains over the others in the same class, as follows: spouse, adult child, father, mother, adult brother, adult sister, adult grandchild, adult nephew or niece, paternal grandparent, maternal grandparent, paternal uncle or aunt, maternal uncle or aunt, adult child of paternal uncle or aunt or adult child of maternal uncle or aunt, paternal great-grandparent, maternal great-grandparent, brother or sister of paternal grandparent, brother or sister of maternal grandparent, kindred of the spouse of the deceased in accordance with the preceding order of priority, or any adult friend or volunteer.

(b)(1) Any competent adult may decide the disposition of the individual's remains after death and without the pre-death or post-death consent of any other person by executing a document, in accordance with this section, which expresses the individual's wishes regarding the disposition of his or her body.

(2)(A) Notwithstanding any other provision of this section, any competent adult may designate an individual who shall be empowered to make decisions concerning the disposition of the human remains of the individual by executing a document in accordance with this section.

(B) The document shall include language that clearly communicates the individual's intent to have the person so designated make decisions regarding the disposition of the individual's human remains upon death. The document shall become effective upon the death of the individual choosing the representative.

(c) A document executed under subsection (b)(1) and (2) of this section shall be dated and signed by the individual delineating the disposition of his or her remains upon death under subsection (b)(1) of this section or designating a representative under subsection (b)(2) of this section.

(d) A person may revoke the document executed under this section in writing, at any time.

(e) A document executed under this section may be included as part of a document executed in accordance with subchapter I of Chapter 15 of Title 2. (May 22, 1984, D.C. Law 5-84, § 14, 31 DCR 1815; May 24, 1996, D.C. Law 11-129, § 2(b), 43 DCR 1568.)

Section references. — This section is referred to in § 2-2812.

Effect of amendments. — D.C. Law 11-129 added (b) through (e).

Legislative history of Law 11-129. — See note to § 2-2812.

Cited in In re M.M.D., App. D.C., 662 A.2d 837 (1995).

CHAPTER 32. LITTER AND SOLID WASTE REDUCTION.

Sec.
2-3201. Environmental Planning Commission.

Sec.
2-3203. Environmental Planning Fund.

§ 2-3201. Environmental Planning Commission.

(a) There is established a Environmental Planning Commission ("Commission") which shall propose a comprehensive plan for preventing and reducing litter and solid waste, and shall advise the Department of Public Works

("Department") on the implementation of the comprehensive litter and solid waste reduction plan.

* * * * *

(Sept. 24, 1994, D.C. Law 10-178, § 2(a), 41 DCR 5205.)

Effect of amendments. — D.C. Law 10-178 substituted "Environmental Planning Commission" for "Litter and Solid Waste Reduction Commission" in the section heading and (a).

Legislative history of Law 10-178. — Law 10-178, the "District of Columbia Solid Waste Management and Multi-Material Recycling Act of 1988 Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-10,

which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on June 7, 1994, and July 5, 1994, respectively. Signed by the Mayor on July 26, 1994, it was assigned Act No. 10-303 and transmitted to both Houses of Congress for its review. D.C. Law 10-178 became effective on September 24, 1994.

§ 2-3203. Environmental Planning Fund.

(a) An Environmental Planning Fund ("Fund") shall be established as a separate bank account by the Commission to receive all funds from whatever source derived. All funds generated by this Commission shall be deposited in the Fund, in coordination with the D.C. Comptroller.

* * * * *

(Sept. 24, 1994, D.C. Law 10-178, § 2(b), 41 DCR 5205.)

Effect of amendments. — D.C. Law 10-178 substituted "Environmental Planning Fund" for "Commission on Litter and Solid Waste Fund" in (a).

Legislative history of Law 10-178. — See note to § 2-3201.

CHAPTER 33. HEALTH OCCUPATIONS.

Subchapter I. Definitions; Scope.

Sec.

- 2-3301.1. General definitions.
- 2-3301.2. Definitions of health occupations.
- 2-3301.3. Scope of chapter.

Subchapter II. Establishment of Health Occupation Boards and Advisory Committees; Membership; Terms.

- 2-3302.3. Board of Medicine; Advisory Committees on Acupuncture, and Physician Assistants.
- 2-3302.4. Board of Nursing.
- 2-3302.7. Board of Optometry.
- 2-3302.14. Board of Respiratory Care.
- 2-3302.15. Board of Massage Therapy.
- 2-3302.16. Board of Chiropractic.

Subchapter IV. General Provisions Relating to Health Occupation Boards.

- 2-3304.1. Qualifications of members.
- 2-3304.8. General powers and duties.

Subchapter V. Licensing of Health Professionals.

Sec.

- 2-3305.1. License required.
- 2-3305.4. Additional qualifications of applicants.
- 2-3305.6. Examinations.
- 2-3305.7. Reciprocity and endorsement.
- 2-3305.9a. Licenses for foreign doctors of eminence and authority.
- 2-3305.14. Revocation, suspension, or denial of license or privilege; civil penalty; reprimand.
- 2-3305.19. Hearings.

Subchapter VI. Advanced Registered Nursing; Scope of Practice; Requirement of Protocol; Collaboration.

- 2-3306.1. General authorization.
- 2-3306.2. [Repealed].
- 2-3306.3. Collaboration.
- 2-3306.4. Authorized acts.

Sec.
2-3306.5 to 2-3306.7. [Repealed].
2-3306.8. Qualifications, certification.

*Subchapter VII-B. Waiver of Licensure
Requirements for Respiratory Care
Practitioners.*

- 2-3307.21. Waiver of licensure requirements —
Demonstration of performance.
- 2-3307.22. Same — Meeting educational re-
quirements.
- 2-3307.23. Eligibility for license renewal.

*Subchapter VII-C. Waiver of Licensure
Requirements for Massage Therapists.*

- 2-3307.31. Waiver of licensure requirements —
Demonstration of performance.
- 2-3307.32. Same — Meeting educational re-
quirements.

Sec.
2-3307.33. Eligibility for license renewal.

*Subchapter IX. Related Occupations;
Registration Requirements; Prohibited
Actions.*

2-3309.1. Naturopathy.

*Subchapter X. Prohibited Acts; Penalties;
Injunctions.*

- 2-3310.3. Certain representations prohibited.
- 2-3310.6a. Pharmacist consultation with med-
ical assistance recipient or
caregivers; records.
- 2-3310.7. Criminal penalties.
- 2-3310.8. Prosecutions.

Subchapter I. Definitions; Scope.

§ 2-3301.1. General definitions.

For the purposes of this chapter, the term:

(1) "Board" means the Board of Chiropractic, the Board of Dentistry, the Board of Dietetics and Nutrition, the Board of Medicine, the Board of Nursing, the Board of Nursing Home Administration, the Board of Occupational Therapy, the Board of Optometry, the Board of Pharmacy, the Board of Physical Therapy, the Board of Podiatry, the Board of Professional Counseling, the Board of Psychology, the Board of Respiratory Care, or the Board of Social Work, established by this chapter, as the context requires.

(2) "Collaboration" means the process in which health professionals jointly contribute to the health care of patients with each collaborator performing actions he or she is licensed or otherwise authorized to perform pursuant to this chapter.

(A) Repealed.

(B) Repealed.

(C) Repealed.

* * * * *

(12) Repealed.

* * * * *

(Mar. 14, 1995, D.C. Law 10-203, § 2(a), 41 DCR 7707; Mar. 21, 1995, D.C. Law 10-231, § 2(a), 42 DCR 15; Mar. 23, 1995, D.C. Law 10-247, § 2(a), 42 DCR 457.)

Cross references. — As to the licensure, certification, and registration criteria of non-health related occupations and professions, see § 47-2853.2.

Section references. — This section is re-

ferred to in §§ 21-501.1, 22-1114.1, and 32-1352.

Effect of amendments.

D.C. Law 10-203 inserted "the Board of Respiratory Care" in (1).

D.C. Law 10-231 inserted “the Board of Chiropractic” in (1).

D.C. Law 10-247, in (2), deleted “Within this definition:” from the end of the introductory language and repealed (A), (B), and (C); and repealed (12).

Legislative history of Law 10-203. — Law 10-203, the “Respiratory Care Practice Amendment Act of 1994,” was introduced in Council and assigned Bill No. 10-85, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on October 4, 1994, and November 1, 1994, respectively. Signed by the Mayor on November 22, 1994, it was assigned Act No. 10-341 and transmitted to both Houses of Congress for its review. D.C. Law 10-203 became effective on March 14, 1995.

Legislative history of Law 10-231. — Law 10-231, the “Chiropractic Licensing Amendment Act of 1994,” was introduced in Council and assigned Bill No. 10-142, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 27, 1994, it was assigned Act No. 10-373 and transmitted to both Houses of Congress for its review. D.C. Law 10-231 became effective on March 21, 1995.

Legislative history of Law 10-247. — Law 10-247, the “Health Occupations Revision Act of 1985 Amendment Act of 1994,” was introduced in Council and assigned Bill No. 10-598,

which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. On December 28, 1994, Bill 10-598 was vetoed by the Mayor. The Council overrode the Mayor’s veto on January 17, 1995. Bill No. 10-598 was re-enacted and assigned Act No. 10-394 and transmitted to both Houses of Congress for its review. D.C. Law 10-247 became effective on March 23, 1995.

Health Regulation Reform Task Force. — Title III of D.C. Law 12-86 provided in detail for the establishment of a Health Regulation Reform Task Force, to consist of 11 members appointed by the Mayor. The Health Task Force was required to submit a written review of the boards created by the District of Columbia Health Occupations Revision Act of 1985, Chapter 33 of Title 2, including recommendations for the restructuring or consolidation of the boards and of the licensing procedures. The Task Force was to cease to exist 60 days after submission of the report.

Authorization of Mayor to suspend license. — The Mayor is authorized to summarily suspend a dentist’s license, although disciplinary steps relating to licenses of health professionals are generally in the hands of the relevant board. *Williamson v. District of Columbia Bd. of Dentistry*, App. D.C., 647 A.2d 389 (1994).

Cited in *Morris v. District of Columbia Bd. of Medicine*, App. D.C., 701 A.2d 364 (1997).

§ 2-3301.2. Definitions of health occupations.

For the purposes of this chapter, the term:

* * * * *

(2) “Practice of advanced registered nursing” means the performance of advanced-level nursing actions by an advanced practice registered nurse certified pursuant to this chapter which, by virtue of post-basic specialized education, training, and experience, are proper to be performed. The advanced practice registered nurse may perform actions of nursing diagnosis and nursing treatment of alterations of the health status. The advanced practice registered nurse may also perform actions of medical diagnosis and treatment, prescription, and other functions which are identified in subchapter VI of this chapter and carried out in accordance with the procedures required by this chapter.

(3)(A) “Practice of Chiropractic” means the detecting and correcting of subluxations that cause vertebral, neuromuscular, or skeletal disorder, by adjustment of the spine or manipulation of bodily articulations for the restoration and maintenance of health; the use of x-rays, physical examination, and examination by noninvasive instrumentation for the detection of subluxations; and the referral of a patient for diagnostic x-rays, tests, and clinical laboratory procedures in order to determine a regimen of chiropractic care or to form a basis or referral of patients to other licensed health care

professionals. "Practice of Chiropractic" does not include the use of drugs, surgery, or injections, but may include, upon certification by the Board, counseling about hygienic and other noninvasive ancillary procedures authorized by rules issued pursuant to this chapter.

* * * * *

(6A)(A) "Practice of massage therapy" means the performance of therapeutic maneuvers in which the practitioner applies massage techniques, including use of the hand or limb to apply touch and pressure to the human body through tapping, stroking, kneading, compression, friction, stretching, vibrating, holding, positioning, or causing movement of an individual's body to positively affect the health and well-being of the individual.

(B) A licensed massage therapist shall not diagnose disease or injury; prescribe medicines, drugs, or other treatments of disease; or perform adjustments of the articulations of the osseous structure of the body or spine.

(C) A licensed massage therapist may perform cross-gender massage.

(D) Massage therapy includes the use of adjunctive therapies, which are defined as including the application of heat, cold, water, and mild abrasives. For the purposes of this paragraph, the term "adjunctive therapies" does not include galvanic stimulation, ultra sound, doppler vascularizers, diathermy, transcutaneous electrical nerve stimulation, or traction.

* * * * *

(10)(A) "Practice of optometry" means the application of the scientific principles of optometry in the examination of the human eye, its adnexa, appendages, or visual system, with or without the use of diagnostic pharmaceutical agents to prevent, diagnose, or treat defects or abnormal conditions; the prescription or use of lenses, prisms, orthoptics, vision training or therapy, low vision rehabilitation, therapeutic pharmaceutical agents, or prosthetic devices; or the application of any method, other than invasive surgery, necessary to prevent, diagnose, or treat any defects or abnormal conditions of the human eye, its adnexa, appendages, or visual system.

(B) The Mayor shall issue rules identifying which, and under what circumstances, diagnostic and therapeutic pharmaceutical agents may be used by optometrists pursuant to this paragraph.

(C) An individual licensed to practice optometry pursuant to this chapter may use diagnostic and therapeutic agents only if certified to do so by the Board of Optometry in accordance with the provisions of § 2-3302.7.

(D) Nothing in this paragraph shall be construed to authorize an individual licensed to practice optometry to use surgical lasers; to perform any surgery including cataract surgery or cryosurgery; or to perform radial keratotomy. For the purpose of this subparagraph, the term "surgery" shall not include punctal plugs, superficial foreign body removal, epilation, or dialation and irrigation.

(E) Nothing in this paragraph shall be construed to authorize an individual licensed to practice optometry to administer or prescribe any oral systemic drug except for antibiotics, appropriate analgesics, antihistamines, non-steroidal anti-inflammatories, or medication for the emergency treatment

of angle closure glaucoma; to administer or prescribe any injectable systemic drug except for an injection to counter an anaphylactic reaction; or to administer or prescribe any drug for any purpose other than that authorized by this paragraph. For the purposes of this subparagraph, the term "antibiotics" shall not include antiviral or antifungal agents.

(F) Prior to initiating treatment for glaucoma, an optometrist shall consult with the patient's physician or other appropriate physician. The treatment of angle closure glaucoma by an optometrist shall be limited to the initiation of immediate emergency treatment.

(G) Nothing in this paragraph shall be construed as preventing or restricting the practice, services, or activities of a licensed physician or as prohibiting an optician from providing eyeglasses or lenses on the prescription of a licensed physician or optometrist or a dealer from selling eyeglasses or lenses; provided, that the optician or dealer does not represent by title or description of services that he or she is an optometrist.

* * * * *

(17) "Practice of registered nursing" means the performance of acts requiring substantial specialized knowledge, judgment, and skill based upon the principles of the biological, physical, behavioral, and social sciences in:

* * * * *

(D) The administration of nursing services within a health care facility, including the delegation and supervision of direct nursing functions and the evaluation of the performance of these functions;

* * * * *

(17A) "Practice of respiratory care" means the performance in collaboration with a licensed physician, of actions responsible for the treatment, management, diagnostic testing, control, and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system, including, but not limited to:

(A) Therapeutic and diagnostic use of medical gases, humidity, and aerosols, including the maintenance of associated apparatus;

(B) Administration of medications to the cardiorespiratory system; provision of ventilatory assistance, ventilatory control, including high frequency ventilation; postural drainage, chest physiotherapy, breathing exercises, and other respiratory rehabilitation procedures;

(C) Cardiopulmonary resuscitation and maintenance of natural airways, the insertion and maintenance of artificial airways and the transcription and implementation of a physician's written or verbal orders pertaining to the practice of respiratory care;

(D) Testing techniques utilized in respiratory care to assist in diagnosis, monitoring, treatment, and research; and

(E) Measurement of ventilatory volumes, pressures and flows, specimen collection of blood and other materials, pulmonary function testing pH and blood gas analysis, hemodynamic and other related physiological monitoring of the cardiopulmonary system.

* * * * *

(Mar. 14, 1995, D.C. Law 10-203, § 2(b), 41 DCR 7707; Mar. 14, 1995, D.C. Law 10-205, § 2(a), 41 DCR 7712; Mar. 21, 1995, D.C. Law 10-231, § 2(b), 42 DCR 15; Mar. 23, 1995, D.C. Law 10-247, § 2(b), 42 DCR 457; Apr. 18, 1996, D.C. Law 11-110, § 7(a), 43 DCR 530; July 24, 1998, D.C. Law 12-139, § 2(a), 45 DCR 2975.)

Effect of amendments.

D.C. Law 10-203 inserted (17A).

D.C. Law 10-205 inserted (6A).

D.C. Law 10-231 rewrote (3)(A).

D.C. Law 10-247 rewrote (2); and inserted "and supervision" in (17)(D).

D.C. Law 11-110 validated a previously made stylistic change in (3)(A).

D.C. Law 12-139 rewrote (10).

Legislative history of Law 10-203. — See note to § 2-3301.1.

Legislative history of Law 10-205. — See note to § 2-3307.31.

Legislative history of Law 10-231. — See note to § 2-3301.1.

Legislative history of Law 10-247. — See note to § 2-3301.1.

Legislative history of Law 11-110. — Law 11-110, the "Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-485, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 5, 1995, and January 4, 1996, respectively. Signed by the Mayor on January 26, 1996, it was assigned Act No. 11-199 and transmitted to both Houses of Congress for its review. D.C. Law 11-110 became effective on April 18, 1996.

Legislative history of Law 12-139. — Law 12-139, the "Definition of Optometry Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-152, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on March 17, 1998, and April 7, 1998, respectively. Signed by the Mayor on April 22, 1998, it was assigned Act No. 12-341 and transmitted to both Houses of Congress for its review. D.C. Law 12-139 became effective on July 24, 1998.

"Practice of medicine."

Conduct that merely affects, influences, or substantially impacts on the course of medical care by others cannot itself be "treatment" without converting a major part of the business of health insurers into the "practice of medicine"; equating "treatment" with any conduct that "practically affects" it, in ways potentially involving no exercise of medical judgment, is contrary to any sensible interpretation of this section. *Morris v. District of Columbia Bd. of Medicine*, App. D.C., 701 A.2d 364 (1997).

Cited in *Carl v. Children's Hosp.*, App. D.C., 702 A.2d 159 (1997).

§ 2-3301.3. Scope of chapter.

* * * * *

(c) This chapter shall not be construed to prohibit the practice of a health occupation by an individual enrolled in a recognized school or college as a candidate for a degree or certificate in a health occupation, or enrolled in a recognized postgraduate training program provided that the practice is:

- (1) Performed as a part of the individual's course of instruction;

* * * * *

(e) This chapter shall not be construed to prohibit the practice of a health occupation by an individual who has filed an initial application for licensure in the health occupation and is awaiting action on that initial application, provided the practice is performed:

- (1) Under the supervision of a health professional licensed in the District;
- (2) At a hospital, nursing home, health facility operated by the District or federal government, or other health care facility considered appropriate by the Board; and

(3) In accordance with any other requirements established by the Mayor. (Mar. 25, 1986, D.C. Law 6-99, § 103, 33 DCR 729; July 22, 1992, D.C. Law

9-126, § 2(c), 39 DCR 3824; Mar. 23, 1995, D.C. Law 10-247, § 2(c), 42 DCR 457.)

Effect of amendments.

D.C. Law 10-247 deleted "or as a postgraduate prerequisite for licensure" from the end of (c)(1); and added (e).

Legislative history of Law 10-247. — See

note to § 2-3301.1.

§ 2-3301.4. Persons licensed under prior law.

Effect of amendments. — This section is

referred to in § 2-3301.4.

Subchapter II. Establishment of Health Occupation Boards and Advisory Committees; Membership; Terms.

§ 2-3302.1. Board of Dentistry.

Section references. — This section is referred to in § 1-633.7.

Requirements for dentists dispensing controlled substances. — A dentist who deals with controlled substances must obtain two forms of government authorizations: first, the dentist needs a license to practice dentistry, renewable annually by the Board of Dentistry; second, the dentist must obtain an annual

registration, issued by the Department of Consumer and Regulatory Affairs as the delegee of the Mayor, to dispense controlled substances. Both the license and the registration are subject to summary suspension and permanent suspension or revocation proceedings. *Williamson v. District of Columbia Bd. of Dentistry*, App. D.C., 647 A.2d 389 (1994).

§ 2-3302.2. Board of Dietetics and Nutrition.

Section references. — This section is

referred to in § 1-633.7.

§ 2-3302.3. Board of Medicine; Advisory Committees on Acupuncture, and Physician Assistants.

(a)

* * * * *

(2) The Board shall regulate the practice of medicine, the practice of acupuncture with the advice of the Advisory Committee on Acupuncture, and the practice by physician assistants with the advice of the Advisory Committee on Physician Assistants.

* * * * *

(A) The practice of acupuncture in accordance with guidelines approved by the Advisory Committee on Acupuncture; and

(B) Repealed.

* * * * *

(c) Repealed.

* * * * *

(e) Of the members initially appointed to the Advisory Committees on Acupuncture, and Physician Assistants, one member of each committee shall be appointed to a term of 2 years and one member of each shall be appointed to a term of 3 years. Subsequent appointments shall be for terms of 3 years. This subsection shall not apply to the Commissioner of Public Health or his or her designee.

(f) Upon request by the Board, the Advisory Committees on Acupuncture and Physician Assistants shall review applications for licensure to practice acupuncture or to practice as a physician assistant, respectively, and shall forward recommendations to the Board for action.

(g) Repealed. (Mar. 25, 1986, D.C. Law 6-99, § 203, 33 DCR 729; Oct. 7, 1987, D.C. Law 7-31, § 3(b), 34 DCR 3789; Jan. 30, 1990, D.C. Law 8-60, § 2, 36 DCR 7386; July 25, 1990, D.C. Law 8-152, § 2, 37 DCR 3743; Mar. 21, 1995, D.C. Law 10-231, § 2(c), 42 DCR 15; Mar. 23, 1995, D.C. Law 10-247, § 2(d), 42 DCR 457.)

Section references.

This section is referred to in § 1-633.7.

Effect of amendments. — D.C. Law 10-231 deleted “the practice of chiropractic with the advice of the Advisory Committee on Chiropractic” following “Acupuncture” in (a)(2); repealed (a)(8)(B); repealed (c); in (e), deleted “Chiropractic” following “Acupuncture” in the

first sentence and deleted the former second sentence; and in (f) deleted the former first sentence.

D.C. Law 10-247 repealed (g).

Legislative history of Law 10-231. — See note to § 2-3301.1.

Legislative history of Law 10-247. — See note to § 2-3301.1.

§ 2-3302.4. Board of Nursing.

* * * * *

(b)(1) The Board shall regulate the practice of advanced practice registered nursing, registered nursing, and practical nursing. Advanced practice registered nursing includes, but is not limited to, the categories of nurse midwife, nurse anesthetist, nurse-practitioner, and clinical nurse specialist.

(2) The Board shall recommend for promulgation by the Mayor minimum curricula and standards for the accreditation of nursing schools and programs, and shall accredit those District of Columbia schools and programs which meet the standards established. The Board may also recommend to the Mayor rules governing the procedure for the granting and withdrawal of accreditation.

(c) Of the members of the Board, 7 shall be registered nurses licensed and practicing in the District; 2 shall be practical nurses licensed in the District; and 2 shall be consumer members.

* * * * *

(Mar. 23, 1995, D.C. Law 10-247, § 2(e), 42 DCR 457.)

Section references. — This section is referred to in § 1-633.7.

Effect of amendments. — D.C. Law 10-247 rewrote (b) and (c).

Legislative history of Law 10-247. — See note to § 2-3301.1.

§ 2-3302.5. Board of Nursing Home Administration.

Section references. — This section is referred to in § 1-633.7.

§ 2-3302.6. Board of Occupational Therapy.

Section references. — This section is referred to in § 1-633.7.

§ 2-3302.7. Board of Optometry.

* * * * *

(f) The Board shall grant applications by licensed optometrists for certification to administer diagnostic pharmaceutical agents for applicants who demonstrate to the satisfaction of the Board that they have:

(1) Successfully completed a Board-approved course in general and ocular pharmacology as it relates to the practice of optometry, that consists of at least 55 classroom hours, including a minimum of 10 classroom hours of clinical laboratory, offered or approved by an accredited institution of higher education; and

* * * * *

(g) The Board shall grant applications for certification to administer therapeutic pharmaceutical agents to applicants who demonstrate to the satisfaction of the Board that they have:

(1) Been certified by the Board to use diagnostic pharmaceutical agents;

(2) Successfully completed a Board-approved course in the use of therapeutic pharmaceutical agents as it relates to the practice of optometry, offered by an accredited institution of higher learning; and

(3) Passed an examination administered or approved by the Board on the use of therapeutic pharmaceutical agents. (Mar. 25, 1986, D.C. Law 6-99, § 207, 33 DCR 729; Mar. 23, 1995, D.C. Law 10-247, § 2(f), 42 DCR 457; July 24, 1998, D.C. Law 12-139, § 2(b), 45 DCR 2975.)

Section references. — This section is referred to in § 1-633.7.

Effect of amendments. — D.C. Law 10-247 rewrote (f)(1).

D.C. Law 12-139 added (g).

Legislative history of Law 10-247. — See note to § 2-3301.1.

Legislative history of Law 12-139. — Law 12-139, the "Definition of Optometry Amendment Act of 1998," was introduced in Council

and assigned Bill No. 12-152, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on March 17, 1998, and April 7, 1998, respectively. Signed by the Mayor on April 22, 1998, it was assigned Act No. 12-341 and transmitted to both Houses of Congress for its review. D.C. Law 12-139 became effective on July 24, 1998.

§ 2-3302.8. Board of Pharmacy.

Section references. — This section is referred to in § 1-633.7.

§ 2-3302.9. Board of Physical Therapy.

Section references. — This section is referred to in § 1-633.7.

§ 2-3302.10. Board of Podiatry.

Section references. — This section is referred to in § 1-633.7.

§ 2-3302.11. Board of Psychology.

Section references. — This section is referred to in § 1-633.7.

§ 2-3302.12. Board of Social Work.

Section references. — This section is referred to in § 1-633.7.

§ 2-3302.13. Board of Professional Counseling.

Section references. — This section is referred to in § 1-633.7.

§ 2-3302.14. Board of Respiratory Care.

(a) There is established a Board of Respiratory Care to consist of 5 members appointed by the Mayor with the advice and consent of the Council.

(b) The Board shall regulate the practice of respiratory therapy.

(c) Of the members of the Board, 3 shall be respiratory therapists licensed in the District; one shall be a physician with knowledge and experience in the practice of respiratory care; and one shall be a consumer member.

(d) Except as provided in subsection (e) of this section, members of the Board shall be appointed for terms of 3 years.

(e) Of the members initially appointed under this section, one shall be appointed for a term of one year, 2 shall be appointed for a term of 2 years, and 2 shall be appointed for a term of 3 years. The terms of the members first appointed shall begin on the date that a majority of the first members are sworn in, which shall become the anniversary date for all subsequent appointments. (Mar. 25, 1986, D.C. Law 6-99, § 214, as added Mar. 14, 1995, D.C. Law 10-203, § 2(c), 41 DCR 7707.)

Section references. — This section is referred to in § 1-633.7.

Legislative history of Law 10-203. — See note to § 2-3301.1.

Effect of amendments. — D.C. Law 10-203 added this section.

§ 2-3302.15. Board of Massage Therapy.

(a) There is established a Board of Massage Therapy to consist of 5 members appointed by the Mayor.

(b) The Board shall regulate the practice of massage therapy.

(c) Of the members of the Board, 4 shall be massage therapists licensed in the District and one shall be a consumer member.

(d) Except as provided in subsection (e) of this section, members of the Board shall be appointed for terms of 3 years.

(e) Of the members initially appointed under this section, one shall be appointed for the term of one year, 2 shall be appointed for a term of 2 years, and 2 shall be appointed for a term of 3 years. The terms of the members first appointed shall begin on the date that a majority of the first members are sworn in, which shall become the anniversary date for all subsequent appointments. (Mar. 25, 1986, D.C. Law 6-99, § 215, as added Mar. 14, 1995, D.C. Law 10-205, § 2(b), 41 DCR 7712.)

Section references. — This section is referred to in § 1-633.7.

Effect of amendments. — D.C. Law 10-205 added this section.

Legislative history of Law 10-205. — See note to § 2-3307.31.

§ 2-3302.16. Board of Chiropractic.

(a) There is established a Board of Chiropractic to consist of 5 members appointed by the Mayor with the advice and consent of the Council.

(b) The Board shall regulate the practice of chiropractic.

(c) Of the members of the Board, 3 shall be doctors of chiropractic licensed to practice in the District, one shall be the Commissioner of Public Health or his or her designee, and one shall be a consumer member.

(d) Except as provided in subsection (e) of this section, members of the Board shall be appointed for terms of 3 years.

(e) The members of the Advisory Committee on Chiropractic abolished by the Chiropractic Licensing Amendment Act of 1994 shall continue to serve as members of the Board of Chiropractic established by this section until the expiration of their terms on the Advisory Committee or until successors are appointed, whichever occurs later, and may be reappointed. (Mar. 25, 1986, D.C. Law 6-99, § 216, as added Mar. 21, 1995, D.C. Law 10-231, § 2(d), 42 DCR 15; Apr. 18, 1996, D.C. Law 11-110, § 7(a), 43 DCR 530.)

Section references. — This section is referred to in § 1-633.7.

Effect of amendments. — D.C. Law 10-231 added this section.

As enacted by D.C. Law 10-231, this section was designated as § 2-3302.14. However, as D.C. Law 10-203 had already enacted a § 2-3302.14, and as D.C. Law 10-205 had enacted a § 2-3302.15, the section added by D.C. Law 10-231 has been redesignated as § 2-3302.16.

D.C. Law 11-110 made a technical change in D.C. Law 10-231 which added this section.

Legislative history of Law 10-231. — See note to § 2-3301.1.

Legislative history of Law 11-110. — See note to § 2-3301.2.

References in text. — The reference in (e) to the “Chiropractic Licensing Amendment Act of 1994” refers to D.C. Law 10-231.

The Advisory Committee on Chiropractic, referred to in (e), was abolished by § 2(c)(5) of D.C. Law 10-231.

Subchapter III. Administration.

§ 2-3303.2. Responsibilities of Mayor.

Delegation of Authority Pursuant to the “District of Columbia Health Occupations

Revision Act of 1985.” — See Mayor’s Order 98-140, August 20, 1998 (45 DCR 6593).

*Subchapter IV. General Provisions Relating to Health
Occupation Boards.*

§ 2-3304.1. Qualifications of members.

* * * * *

(b)(1) Each professional member of a board, in addition to the requirements of subsection (a) of this section, shall have been engaged in the practice of the health occupation regulated by the board for at least 3 years preceding appointment.

(2) The dietitian and nutritionist members initially appointed to the Board of Dietetics and Nutrition, the nonphysician acupuncturist member initially appointed to the Advisory Committee on Acupuncture, the physician assistant member initially appointed to the Advisory Committee on Physician Assistants, the respiratory care members initially appointed to the Board of Respiratory Care, the social worker members initially appointed to the Board of Social Work, the professional counselor members initially appointed to the Board of Professional Counseling, and the massage therapy members initially appointed to the Board of Massage Therapy shall be eligible for and shall file a timely application for licensure in the District. The advanced registered nurse members initially appointed to the Board of Nursing shall be licensed in the District as registered nurses, shall meet the qualifications of this chapter to practice their respective specialties, shall have practiced their respective specialties for at least 3 years preceding appointment, and shall file a timely application for certification to practice their respective specialties.

* * * * *

(Mar. 14, 1995, D.C. Law 10-203, § 2(d), 41 DCR 7707; Mar. 14, 1995, D.C. Law 10-205, § 2(c), 41 DCR 7712; Apr. 18, 1996, D.C. Law 11-110, § 7(b), 43 DCR 530.)

Effect of amendments.

D.C. Law 10-203 inserted “the respiratory care members initially appointed to the Board of Respiratory Care” in the first sentence of (b)(2).

D.C. Law 10-205 inserted “the massage therapy members initially appointed to the Board of Massage Therapy” in the first sentence of (b)(2).

D.C. Law 11-110, in the first sentence in

(b)(2), validated a previously made deletion of “and” following “Social Work” and the insertion of “and” following “Counseling.”

Legislative history of Law 10-203. — See note to § 2-3301.1.

Legislative history of Law 10-205. — See note to § 2-3307.31.

Legislative history of Law 11-110. — See note to § 2-3301.2.

§ 2-3304.8. General powers and duties.

Each board shall:

* * * * *

(9) Issue advisory opinions regarding compliance with acceptable standards of practice. (Mar. 25, 1986, D.C. Law 6-99, § 408, 33 DCR 729; Mar. 23, 1995, D.C. Law 10-247, § 2(g), 42 DCR 457.)

Effect of amendments. — D.C. Law 10-247 added (9).

Legislative history of Law 10-247. — See note to § 2-3301.1.

Subchapter V. Licensing of Health Professionals.

§ 2-3305.1. License required.

A license issued pursuant to this chapter is required to practice medicine, acupuncture, chiropractic, registered nursing, practical nursing, dentistry, dental hygiene, dietetics, massage therapy, nutrition, nursing home administration, occupational therapy, optometry, pharmacy, physical therapy, podiatry, psychology, social work, professional counseling, and respiratory care or to practice as a physician assistant or occupational therapy assistant in the District, except as provided in this chapter. A certification issued pursuant to this chapter is required to practice advanced practice registered nursing. (Mar. 25, 1986, D.C. Law 6-99, § 501, 33 DCR 729; July 22, 1992, D.C. Law 9-126, § 2(f), 39 DCR 3824; Mar. 14, 1995, D.C. Law 10-203, § 2(e), 41 DCR 7707; Mar. 14, 1995, D.C. Law 10-205, § 2(d), 41 DCR 7712; Mar. 23, 1995, D.C. Law 10-247, § 2(h), 42 DCR 457.)

Effect of amendments.

D.C. Law 10-203 substituted "professional counseling, and respiratory care" for "and professional counseling" in the first sentence.

D.C. Law 10-205 inserted "massage therapy" in the first sentence.

D.C. Law 10-247 substituted "advanced practice registered" for "advanced registered" in the second sentence.

Legislative history of Law 10-203. — See note to § 2-3301.1.

Legislative history of Law 10-205. — See note to § 2-3307.31.

Legislative history of Law 10-247. — See note to § 2-3301.1.

Board's discretion to adopt requirements for licensing. — The Court of Appeals deferred to the decision by the Board of Medicine to adopt a bright-line requirement of a single sitting for pre-1985 Federal Licensing Examination (FLEX) examinees; such a requirement is consistent with this subchapter in that it falls within the Board's discretion to establish standards for FLEX examinees from other states substantially equivalent to standards required of District of Columbia FLEX examinees. *Tinner v. District of Columbia Dep't of Consumer & Regulatory Affairs*, App. D.C., 703 A.2d 833 (1997).

Even if the Board of Medicine makes decisions about different applicants that appear inconsistent and suggest different treatment, the Court of Appeals is obliged to defer to the

Board's decision as long as the Board explains the arguably different treatment, and its decision is consistent with the mandates of this subchapter. *Tinner v. District of Columbia Dep't of Consumer & Regulatory Affairs*, App. D.C., 703 A.2d 833 (1997).

Requirements for dentists dispensing controlled substances. — A dentist who deals with controlled substances must obtain two forms of government authorizations: first, the dentist needs a license to practice dentistry, renewable annually by the Board of Dentistry; second, the dentist must obtain an annual registration, issued by the Department of Consumer and Regulatory Affairs as the delegee of the Mayor, to dispense controlled substances. Both the license and the registration are subject to summary suspension and permanent suspension or revocation proceedings. *Williamson v. District of Columbia Bd. of Dentistry*, App. D.C., 647 A.2d 389 (1994).

Expert testimony required to establish standard of care for social workers. — Mother should have presented expert testimony on the standard of care applicable to social workers, and the absence of such testimony was fatal to her case concerning claims of negligent selection and negligent supervision of her child in foster care. *District of Columbia v. Hampton*, App. D.C., 666 A.2d 30 (1995).

Cited in *Morris v. District of Columbia Bd. of Medicine*, App. D.C., 701 A.2d 364 (1997).

§ 2-3305.2. Exemptions.

Cited in *Morris v. District of Columbia Bd. of Medicine*, App. D.C., 701 A.2d 364 (1997).

§ 2-3305.4. Additional qualifications of applicants.

* * * * *

(b) An individual applying for a license to practice chiropractic under this chapter shall establish to the satisfaction of the Board of Chiropractic that the individual:

* * * * *

(2) Has satisfied any clinical experience established by rule.

* * * * *

(d-1) An individual applying for a license to practice massage therapy under this chapter shall establish to the satisfaction of the Board of Massage Therapy that the individual has successfully completed a minimum of 500 hours of training in massage therapy.

* * * * *

(g)(1) An individual applying for a license to practice occupational therapy under this chapter shall establish to the satisfaction of the Board of Occupational Therapy that the individual:

(A) Has successfully completed an educational program in the practice of occupational therapy at an institution accredited by the Committee on Allied Health Education of the American Medical Association in collaboration with the American Occupational Therapy Association; and

* * * * *

(m) An individual applying for a license to practice practical nursing under this chapter shall establish to the satisfaction of the Board of Nursing that the individual has successfully completed an educational program in practical nursing which is approved by the Board.

* * * * *

(o) An individual applying for a license to practice psychology under this chapter shall establish to the satisfaction of the Board of Psychology that the individual has:

(1)(A) Earned a doctoral degree in psychology from an accredited college or university; or

(B) Earned a doctoral degree that the Board determines is related to psychology, provided that the application is received by the Board within 2 years from March 25, 1986; and

(i) The applicant commenced the doctoral program after March 24, 1978, but before March 25, 1986; or

(ii) The doctoral degree was conferred on the applicant after March 24, 1983, but before March 25, 1986; and

* * * * *

(p) An individual applying for a license to practice respiratory therapy under this subchapter shall establish to the satisfaction of the Board of Respiratory Therapy that the individual has successfully completed a respiratory care educational program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation ("CAHEA") in collaboration with the Joint Review Committee for Respiratory Therapy Education ("JRCRTE") or their successor organizations. (Mar. 25, 1986, D.C. Law 6-99, § 504, 33 DCR 729; Mar. 14, 1995, D.C. Law 10-203, § 2(f), 41 DCR 7707; Mar. 14, 1995, D.C. Law 10-205, § 2(e), 41 DCR 7712; Mar. 21, 1995, D.C. Law 10-231, § 2(e), 42 DCR 15; Mar. 23, 1995, D.C. Law 10-247, § 2(i)-(k), 42 DCR 457.)

Effect of amendments. — D.C. Law 10-203 added (p).

D.C. Law 10-205 inserted (d-1).

D.C. Law 10-231, in (b), substituted "Chiropractic" for "Medicine" in the introductory language and rewrote (2).

D.C. Law 10-247 rewrote (g)(1)(A); substituted "an educational" for "a postsecondary level educational" in (m); and rewrote (o)(1).

Legislative history of Law 10-203. — See note to § 2-3301.1.

Legislative history of Law 10-205. — See note to § 2-3307.31.

Legislative history of Law 10-231. — See note to § 2-3301.1.

Legislative history of Law 10-247. — See note to § 2-3301.1.

§ 2-3305.6. Examinations.

* * * * *

(b)(1) Each board that administers examinations shall give examinations to applicants at least twice a year at times and places to be determined by the Board.

* * * * *

(e) Each board, in its discretion, may waive the examination requirements:

(1) For any applicant who meets the requirements of § 2-3305.7 for licensure by reciprocity or endorsement; or

(2) For any person who has been certified by a national examining board if the Mayor determines by rule that the examination was as effective for the testing of professional competence as that required in the District. (Mar. 25, 1986, D.C. Law 6-99, § 506, 33 DCR 729; Mar. 23, 1995, D.C. Law 10-247, § 2(l), 42 DCR 457.)

Effect of amendments. — D.C. Law 10-247 inserted "that administers examinations" in (b)(1); and rewrote (e)(1).

Legislative history of Law 10-247. — See note to § 2-3301.1.

§ 2-3305.7. Reciprocity and endorsement.

(a) Each board, in its discretion, may issue a license by reciprocity to an applicant who:

(1) Is licensed or certified and in good standing under the laws of another state with standards which, in the opinion of the board, are substantially equivalent to the requirements of this chapter and which state admits health

professionals licensed by the District in a like manner pursuant to an agreement between the District and the state; and

(2) Pays the applicable fees established by the Mayor.

(b) Each board, in its discretion, may issue a license by endorsement to an applicant who:

(1) Is currently licensed or certified and is in good standing under the laws of another state with standards which, in the opinion of the board, are comparable to the requirements of this chapter;

(2) Passes a local examination if required by the board; and

(3) Pays the applicable fees established by the Mayor. (Mar. 25, 1986, D.C. Law 6-99, § 507, 33 DCR 729; Mar. 23, 1995, D.C. Law 10-247, § 2(m), 42 DCR 457; Apr. 29, 1998, D.C. Law 12-86, § 403, 45 DCR 1172.)

Section references. — This section is referred to in § 2-3305.6.

Effect of amendments. — D.C. Law 10-247 rewrote this section.

D.C. Law 12-86 rewrote the section.

Legislative history of Law 10-247. — See note to § 2-3301.1.

Legislative history of Law 12-86. — Law 12-86, the “Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in

Council and assigned Bill No. 12-458, which was referred to the Committee on Public Works and the Environment and the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 19, 1997, and January 6, 1998, respectively. Signed by the Mayor on January 21, 1998, it was assigned Act No. 12-256 and transmitted to both Houses of Congress for its review. D.C. Law 12-86 became effective on April 29, 1998.

§ 2-3305.9a. Licenses for foreign doctors of eminence and authority.

(a) Notwithstanding any other provision of this subchapter, the Board shall grant a limited license to practice specialized medicine with a university, hospital or medical center in the District of Columbia to an applicant licensed as a physician in a foreign country or state who by virtue of the recognized and conceded eminence and authority in the profession of medicine or medical research in the international community, if this applicant:

(1) Is recommended to the Board by:

(A) The dean of an accredited school of medicine in the District of Columbia;

(B) The Director of the National Institute of Health; or

(C) The Director of an accredited and licensed hospital in the District of Columbia;

(2) Is to receive an appointment at the institution making the recommendation under paragraph (1) of this subsection; and

(3) Meets the requirements of subsection (d) of this section.

(b) The Board shall not issue to any entity under paragraph (1) of this section more than 1 such license in any single year.

(c) Any license issued under this section shall be issued jointly in the name of the applicant and the sponsoring entity under subsection (a)(1) of this section.

(d) In determining whether an applicant is a recognized and conceded eminence and authority in the profession, the Board shall consider, but not be limited to, whether the applicant meets the following criteria:

(1) Is a bona fide graduate in good standing who has successfully completed medical education at a foreign medical school which is recognized or

accredited by the foreign country, the Liaison Committee on Medical Education of the Association of American Medical Colleges, or other organization satisfactory to the Board;

(2) Holds a valid foreign medical license or registration certificate, in good standing, issued by the United States or a foreign country on the basis of a foreign examination;

(3) Practiced medicine for at least 10 years in patient care, excluding the 2 years of postgraduate clinical training, 5 years of which occurred immediately preceding the date application is made to the Board;

(4) Successfully completed no less than 2 years of post graduate clinical training in a recognized medical specialty or subspecialty either in the United States or other foreign country, or in lieu of each year of required graduate medical training, documents a practice as a full time university medical school faculty member at an accredited institution;

(5) Meets the Federal Professional Visa requirements for HI Visa or holds a federally issued HI Visa;

(6) Has been the recipient of professional honors and awards, and professional recognition in the international medical community, for achievements, contributions, or advancements in the field of medicine, or medical research as evidenced by (i) publications in recognized scientific, medical, or medical research journals, including American peer review journals, (ii) being the recipient or nominee for international or national awards for distinguished contributions to the advancement of medicine or medical research, (iii) acknowledgement of expertise from recognized American authorities in the applicant's field of medical specialty, or (iv) other professional accomplishments as determined meritorious in the sole discretion of the Board;

(7) Submits documentation from the university, hospital or medical center from which the candidate is to receive an academic appointment at such institution or has been accepted for practice, pending receipt of a license, with privileges at a university medical school, local hospital, or medical institution making the recommendation under subsection (a)(1) of this section;

(8) Submits 3 letters of recommendation from District of Columbia physicians who are licensed in the areas of medical practice for which the applicant is applying for licensure who shall attest to the candidate's qualifications, character, and ethical behavior;

(9) Submits 5 letters from renowned American specialists in the candidate's discipline who attest to his eminence and qualifications;

(10) Has never been convicted of a felony; and

(11) Agrees to perform a maximum of 15 hours per month of community service for patient care, teaching, or training as may be required by the Board.

(e) As an exception to the general education and examination requirements of §§ 2-3305.3, 2-3305.4, and 2-3305.6, the Board shall waive those requirements when an applicant under this section shall furnish proof satisfactory to the Board of successful completion or satisfaction of the requirements of subsections (a) and (b) of this section, and shall provide documentation sufficient to support the application, including, but not limited to, a diploma or certified transcripts of the applicant's medical or, if applicable, premedical education and certified verification of licensure or registration to practice medicine in a foreign country.

(1) An applicant under this section shall arrange to have certified transcripts of all medical and premedical, if applicable, education sent directly from the educational institution to the Board.

(2) The Board may waive the educational transcript requirement of this section on a showing of extraordinary hardship if the applicant is able to establish by substitute documentation that the applicant possesses the requisite education and degrees.

(3) If a document required by this section is in a language other than English, an applicant shall arrange for its translation into English by a translation service for the Board, and shall submit a notarized translation signed by the translator attesting to its accuracy.

(4) All applicants shall pay an applicant fee of \$500 to the Board.

(f) No license granted under this section shall issue to any candidate until the Board reviews the qualifications for eminence and makes a final decision. The Board shall have the sole authority and responsibility to interpret the qualifications for eminence and for licensure under these provisions, and may qualify, restrict, or otherwise limit a license granted under this section by controlling the type of medical areas of practice and patient care as the applicant has received credentials and acceptance for practice from an institution under subsection (a)(1) of this section.

(g) All applicants who have complied with these requirements, and have otherwise complied with the provisions of this subchapter, shall receive from the Board within 90 days after the application is complete by the candidate's submission of all requirements imposed under subsection (b) of this section, a license entitling them to the right to practice in the District of Columbia. Each such license shall be duly recorded in the office of the Board, in a record to be properly kept for that purpose which shall be open to public inspection, and a certified copy of the record shall be received as evidence in all courts in the District of Columbia in the trial of any case.

(1) It shall be the duty of all persons now or hereafter licensed to be registered with the Board and, thereafter, to register in like manner at such intervals and by such methods as the Board shall determine by regulations, but in no case shall such renewal period be longer than any other licensed physician. The form and method of such registration shall be determined by the Board.

(2) Each person so registering with the Board shall pay, for each biennial registration, a fee of \$1,000, which shall accompany the application for such registration.

(3) Upon receiving a proper application for such registration accompanied by the fee, if any, the Board shall issue a license to the applicant; provided, however, such license shall automatically expire when the holder's relationship with any institution under subsection (a)(1) of this section is terminated.

(h) The holder of the limited license practicing medicine or surgery beyond the areas of the medical specialty or practice as laid down in said license shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10,000 for each and every offense; and the Board is empowered to revoke such limited license, for cause, after due notice.

(i) Any person granted a limited license under this section who subsequently desires to obtain a license without restriction shall be required to meet

all of the requirements of such license as set forth in this section. (Mar. 25, 1986, D.C. Law 6-99, § 509a, as added May 16, 1995, D.C. Law 11-14, § 2, 42 DCR 1388.)

Effect of amendments. — D.C. Law 11-14 added this section.

Legislative history of Law 11-14. — Law 11-14, the "Foreign Physicians of Conceded Eminence University, Hospital, and Medical Centers Practices Amendment Act of 1995," was introduced in Council and assigned Bill No. 11-39, which was retained by Council. The

Bill was adopted on first and second readings on January 17, 1995, and February 7, 1995, respectively. Signed by the Mayor on March 9, 1995, it was assigned Act No. 11-26 and transmitted to both Houses of Congress for its review. D.C. Law 11-14 became effective on May 16, 1995.

§ 2-3305.10. Term and renewal of licenses.

Requirements for dentists dispensing controlled substances. — A dentist who deals with controlled substances must obtain two forms of government authorizations: first, the dentist needs a license to practice dentistry, renewable annually by the Board of Dentistry; second, the dentist must obtain an annual registration, issued by the Department of Con-

sumer and Regulatory Affairs as the delegee of the Mayor, to dispense controlled substances. Both the license and the registration are subject to summary suspension and permanent suspension or revocation proceedings. *Williamson v. District of Columbia Bd. of Dentistry*, App. D.C., 647 A.2d 389 (1994).

§ 2-3305.14. Revocation, suspension, or denial of license or privilege; civil penalty; reprimand.

(a) Each board, subject to the right of a hearing as provided by this subchapter, on an affirmative vote of a majority of its members then serving, may take 1 or more of the disciplinary actions provided in subsection (c) of this section against any applicant, licensee, or person permitted by this subchapter to practice the health occupation regulated by the board in the District who:

* * * * *

(13) Submits false statements to collect fees for which services are not provided or submits statements to collect fees for services which are not medically necessary;

* * * * *

(24) Violates any provision of this chapter or rules and regulations issued pursuant to this chapter;

(25) Violates any District of Columbia or federal law, regulation, or rule related to the practice of a health profession or drugs;

(26) Fails to conform to standards of acceptable conduct and prevailing practice within a health profession;

(27) Violates an order of the board or the Mayor, or violates a consent decree or negotiated settlement entered into with a board or the Mayor;

(28) Demonstrates a willful or careless disregard for the health, welfare, or safety of a patient, regardless of whether the patient sustains actual injury as a result; or

(29) Fails to pay the applicable fees established by the Mayor.

* * * * *

(e) A person licensed to practice a health occupation in the District of Columbia is subject to the disciplinary authority of the board although engaged in practice elsewhere. Subsection (a) of this section shall not be construed to limit the disciplinary authority of the board only to conduct or activities engaged in outside of the District that result in the imposition of discipline by a licensing or disciplinary authority where the conduct occurred. (Mar. 25, 1986, D.C. Law 6-99, § 514, 33 DCR 729; Mar. 23, 1995, D.C. Law 10-247, § 2(n), 42 DCR 457.)

Effect of amendments. — D.C. Law 10-247, in (a), rewrote (13), deleted “or” from the end of (24), rewrote (25), and added (26), (27), (28), and (29); and added (e).

Legislative history of Law 10-247. — See note to § 2-3301.1.

Authorization of Mayor to suspend license. — The Mayor is authorized to summarily suspend a dentist’s license, although disciplinary steps relating to licenses of health professionals are generally in the hands of the relevant board. *Williamson v. District of Columbia Bd. of Dentistry*, App. D.C., 647 A.2d 389 (1994).

Summary suspension of registration can be treated as prior discipline. — The District of Columbia Board of Dentistry permissibly concluded that a summary suspension of registration could be treated as prior “discipline” within the meaning of subsection (a)(3) of this section, even though a permanent registration revocation was never effectuated. *Williamson v. District of Columbia Bd. of Dentistry*, App. D.C., 647 A.2d 389 (1994).

Cited in *Morris v. District of Columbia Bd. of Medicine*, App. D.C., 701 A.2d 364 (1997).

§ 2-3305.15. Summary action.

Authorization of Mayor to suspend license. — The Mayor is authorized to summarily suspend a dentist’s license, although disciplinary steps relating to licenses of health

professionals are generally in the hands of the relevant board. *Williamson v. District of Columbia Bd. of Dentistry*, App. D.C., 647 A.2d 389 (1994).

§ 2-3305.19. Hearings.

(a) Before a board denies an applicant a license, revokes or suspends a license or privilege to practice, reprimands a licensee, imposes a civil fine, requires a course of remediation or a period of probation, or denies an application for reinstatement, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the board except where the denial of the license is based solely on an applicant’s failure to meet minimum age requirements, hold a required degree, pass a required examination, pay the applicable fees established by the Mayor, or where there are no material facts at issue.

* * * * *

(h) A board shall issue its final decision in writing within 90 days after conducting a hearing.

(i) A board may delegate its authority under this chapter to hold hearings and issue final decisions to a panel of 3 or more members of the board in accordance with rules promulgated by the Mayor. Final decisions of a hearing panel shall be considered final decisions of the board for purposes of appeal to the District of Columbia Court of Appeals. (Mar. 25, 1986, D.C. Law 6-99, § 519, 33 DCR 729; Mar. 23, 1995, D.C. Law 10-247, § 2(o), 42 DCR 457.)

Effect of amendments. — D.C. Law 10-247 added the exception at the end of (a); in (h), inserted “final” and substituted “90” for “60”; and added (i).

Legislative history of Law 10-247. — See note to § 2-3301.1.

§ 2-3305.20. Judicial and administrative review of actions of board.

Cited in *Morris v. District of Columbia Bd. of Medicine*, App. D.C., 701 A.2d 364 (1997).

Subchapter VI. Advanced Registered Nursing; Scope of Practice; Requirement of Protocol; Collaboration.

§ 2-3306.1. General authorization.

(a) The advanced practice registered nurse may perform actions of medical diagnosis, treatment, prescription, and other functions authorized by this subchapter.

(b) Repealed. (Mar. 25, 1986, D.C. Law 6-99, § 601, 33 DCR 729; Mar. 23, 1995, D.C. Law 10-247, § 2(p), 42 DCR 457.)

Effect of amendments. — D.C. Law 10-247 rewrote (a); and repealed (b).

Legislative history of Law 10-247. — See note to § 2-3301.1.

§ 2-3306.2. Requirements of protocols.

Repealed.

(Mar. 25, 1986, D.C. Law 6-99, § 602, 33 DCR 729; Mar. 23, 1995, D.C. Law 10-247, § 2(q), 42 DCR 457.)

Legislative history of Law 10-247. — See note to § 2-3301.1.

§ 2-3306.3. Collaboration.

(a) Generally, advanced practice registered nurses shall carry out acts of advanced registered nursing in collaboration with a licensed health care provider.

(b) Repealed.

(c) Repealed.

(d) Notwithstanding the provisions of this section, hospitals, facilities, and agencies, in requiring specific levels of collaboration and licensed health care providers in agreeing to the levels of collaboration, shall apply reasonable, nondiscriminatory standards, free of anticompetitive intent or purpose, in accordance with Chapter 25 of Title 1, Chapter 45 of Title 28, and § 32-1307. (Mar. 25, 1986, D.C. Law 6-99, § 603, 33 DCR 729; Mar. 23, 1995, D.C. Law 10-247, § 2(r), 42 DCR 457.)

Effect of amendments. — D.C. Law 10-247 rewrote (a) and (d); and repealed (b) and (c).

Legislative history of Law 10-247. — See note to § 2-3301.1.

§ 2-3306.4. Authorized acts.

An advanced practice registered nurse may:

- (1) Initiate, monitor, and alter drug therapies;
- (2) Initiate appropriate therapies or treatments;
- (3) Make referrals for appropriate therapies or treatments; and
- (4) Perform additional functions within his or her specialty determined in accordance with rules and regulations promulgated by the board. (Mar. 25, 1986, D.C. Law 6-99, § 604, 33 DCR 729; Mar. 23, 1995, D.C. Law 10-247, § 2(s), 42 DCR 457.)

Effect of amendments. — D.C. Law 10-247 rewrote this section.

Legislative history of Law 10-247. — See note to § 2-3301.1.

§ 2-3306.5. Nurse-anesthesia.

Repealed.

(Mar. 25, 1986, D.C. Law 6-99, § 605, 33 DCR 729; Mar. 23, 1995, D.C. Law 10-247, § 2(t), 42 DCR 457.)

Legislative history of Law 10-247. — See note to § 2-3301.1.

§ 2-3306.6. Nurse-midwifery.

Repealed.

(Mar. 25, 1986, D.C. Law 6-99, § 606, 33 DCR 729; Mar. 23, 1995, D.C. Law 10-247, § 2(u), 42 DCR 457.)

Legislative history of Law 10-247. — See note to § 2-3301.1.

§ 2-3306.7. Nurse-practitioner practice.

Repealed.

(Mar. 25, 1986, D.C. Law 6-99, § 607, 33 DCR 729; Mar. 23, 1995, D.C. Law 10-247, § 2(v), 42 DCR 457.)

Legislative history of Law 10-247. — See note to § 2-3301.1.

§ 2-3306.8. Qualifications, certification.

(a) In addition to the general qualifications for licensure set forth in subchapter V of this chapter and any requirements which the Mayor may establish by rule, an advanced practice registered nurse shall:

- (1) Be a registered nurse holding a current, valid license pursuant to subchapter V of this chapter, and be in good standing with the Board, with no action pending or in effect against the license which could adversely affect the legal right to practice;
- (2) Be in good ethical standing with the profession;

(3) Successfully complete a post-basic education program applicable to the area of practice which is acceptable to the Board or accredited by a national accrediting body which is relevant to the advanced practice registered nurses' area of practice; and

(4) Pass the examination required by the Mayor.

* * * * *

(Mar. 23, 1995, D.C. Law 10-247, § 2(w), 42 DCR 457; Apr. 18, 1996, D.C. Law 11-110, § 69, 43 DCR 530.)

Effect of amendments. — D.C. Law 10-247 rewrote (a).

D.C. Law 11-110 made a technical amendment to D.C. Law 10-247 which previously amended this section.

Legislative history of Law 10-247. — See note to § 2-3301.1.

Legislative history of Law 11-110. — See note to § 2-3301.2.

Subchapter VII-B. Waiver of Licensure Requirements for Respiratory Care Practitioners.

§ 2-3307.21. Waiver of licensure requirements — Demonstration of performance.

The Board of Respiratory Care shall waive the educational and examination requirements for any applicant for licensure as a respiratory therapist who can demonstrate, to the satisfaction of the Board, that he or she has been performing the functions of a respiratory therapist, as defined in this chapter, on a full-time or substantially full-time basis continually at least 12 months immediately preceding March 14, 1995, and is qualified to do so on the basis of pertinent education, training, experience and demonstrated current competence, provided that the application for the license is made within 24 months of March 14, 1995. (Mar. 25, 1986, D.C. Law 6-99, § 720, as added Mar. 14, 1995, D.C. Law 10-203, § 2(h), 41 DCR 7707; Apr. 18, 1996, D.C. Law 11-110, § 7(c), 43 DCR 530.)

Effect of amendments. — D.C. Law 10-203 added this section.

D.C. Law 11-110 substituted "March 14, 1995" for "March 25, 1986."

Legislative history of Law 10-203. — See note to § 2-3301.1.

Legislative history of Law 11-110. — See note to § 2-3301.2.

§ 2-3307.22. Same — Meeting educational requirements.

The Board of Respiratory Care shall waive the examination requirement for any applicant who meets the educational requirements for licensure as a respiratory therapist, whether full time or not, within a 3-year period immediately preceding March 14, 1995, and is qualified to do so on the basis of pertinent experience, and demonstrated current competence, provided that application for the license is made within 24 months of March 14, 1995. (Mar. 25, 1986, D.C. Law 6-99, § 721, as added Mar. 14, 1995, D.C. Law 10-203, § 2(h), 41 DCR 7707; Apr. 18, 1996, D.C. Law 11-110, § 7(d), 43 DCR 530.)

Effect of amendments. — D.C. Law 10-203 added this section.

D.C. Law 11-110 substituted "March 14, 1995" for "March 25, 1986" following "immediately preceding."

Legislative history of Law 10-203. — See note to § 2-3301.1.

Legislative history of Law 11-110. — See note to § 2-3301.2.

§ 2-3307.23. Eligibility for license renewal.

Applicants licensed under the waiver provisions of this subchapter shall be eligible for license renewal on the same terms as all other licensed respiratory care practitioners. (Mar. 25, 1986, D.C. Law 6-99, § 722, as added Mar. 14, 1995, D.C. Law 10-203, § 2(h), 41 DCR 7707.)

Effect of amendments. — D.C. Law 10-203 added this section.

Legislative history of Law 10-203. — See note to § 2-3301.1.

Subchapter VII-C. Waiver of Licensure Requirements for Massage Therapists.

§ 2-3307.31. Waiver of licensure requirements — Demonstration of performance.

The Board of Massage Therapy shall waive the educational and examination requirements for any applicant for licensure as a massage therapist who can demonstrate, to the satisfaction of the Board, that he or she has been performing the functions of a massage therapist, as defined in this chapter, on a full-time or substantially full-time basis continually at least 12 months immediately preceding March 14, 1995, and is qualified to do so on the basis of pertinent education, training, experience and demonstrated current competence, provided that the application for the license is made within 24 months of March 14, 1995. (Mar. 25, 1986, D.C. Law 6-99, § 730, as added Mar. 14, 1995, D.C. Law 10-205, § 2(f), 41 DCR 7712; Apr. 18, 1996, D.C. Law 11-110, § 7(e), 43 DCR 530.)

Effect of amendments. — D.C. Law 10-205 added this section.

D.C. Law 11-110 substituted "March 14, 1995" for "March 25, 1986" following "immediately preceding."

Legislative history of Law 10-205. — Law 10-205, the "Qualified Massage Therapists Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-540, which was referred to the Committee on Consumer

and Regulatory Affairs. The Bill was adopted on first and second readings on October 4, 1994, and November 1, 1994, respectively. Signed by the Mayor on November 22, 1994, it was assigned Act No. 10-343 and transmitted to both Houses of Congress for its review. D.C. Law 10-205 became effective on March 14, 1995.

Legislative history of Law 11-110. — See note to § 2-3301.2.

§ 2-3307.32. Same — Meeting educational requirements.

The Board of Massage Therapy shall waive the examination requirement for any applicant who meets the educational requirements for licensure as a massage therapist, has practiced as a massage therapist, whether full time or not, within a 3-year period immediately preceding March 14, 1995, and is qualified to do so on the basis of pertinent experience, and demonstrated current competence, provided that application for the license is made within 24 months of March 14, 1995. (Mar. 25, 1986, D.C. Law 6-99, § 731, as added Mar.

14, 1995, D.C. Law 10-205, § 2(f), 41 DCR 7712; Apr. 18, 1996, D.C. Law 11-110, § 7(f), 43 DCR 530.)

Effect of amendments. — D.C. Law 10-205 added this section.

D.C. Law 11-110 substituted “March 14, 1995” for “March 25, 1986” following “immediately preceding.”

Legislative history of Law 10-205. — See note to § 2-3307.31.

Legislative history of Law 11-110. — See note to § 2-3301.2.

§ 2-3307.33. Eligibility for license renewal.

Applicants licensed under the waiver provisions of this subchapter shall be eligible for license renewal on the same terms as all other licensed massage therapists. (Mar. 25, 1986, D.C. Law 6-99, § 732, as added Mar. 14, 1995, D.C. Law 10-205, § 2(f), 41 DCR 7712.)

Effect of amendments. — D.C. Law 10-205 added this section.

Legislative history of Law 10-205. — See note to § 2-3307.31.

Subchapter IX. Related Occupations; Registration Requirements; Prohibited Actions.

§ 2-3309.1. Naturopathy.

* * * * *

(c) Practioners of naturopathy or naturopathic healing, unless also licensed by the Board of Medicine to practice medicine in the District, shall provide to all clients or patients a written notice stating that the practitioner is not licensed to practice medicine, and further stating that it is unlawful for a practitioner of naturopathy to perform any of the functions listed in subsection (e) of this section which shall be itemized in the notice, and shall post an identical notice in a prominent place, in printing of a size to be easily readable, in each office or location of practice.

* * * * *

(f) The Mayor may by rules set forth the standards of education and experience required to qualify for registration as a naturopath, and, in doing so, may adopt the standards of a national professional association of naturopaths. (Mar. 25, 1986, D.C. Law 6-99, § 901, 33 DCR 729; Mar. 23, 1995, D.C. Law 10-247, § 2(x), 42 DCR 457.)

Effect of amendments. — D.C. Law 10-247 rewrote (c); and added (f).

Legislative history of Law 10-247. — See note to § 2-3301.1.

Subchapter X. Prohibited Acts; Penalties; Injunctions.

§ 2-3310.1. Practicing without license.

“Practice of medicine.” — Conduct that merely affects, influences, or substantially impacts on the course of medical care by others cannot itself be “treatment” without converting

a major part of the business of health insurers into the “practice of medicine”; equating “treatment” with any conduct that “practically affects” it, in ways potentially involving no exer-

cise of medical judgment, is contrary to any sensible interpretation of this chapter. *Morris v.*

District of Columbia Bd. of Medicine, App. D.C., 701 A.2d 364 (1997).

§ 2-3310.2. Misrepresentation.

Attachment of initials "M.D." — A physician who was licensed to practice medicine elsewhere, but was not licensed in D.C., did not misrepresent that he was licensed to practice in D.C. by sending letters to the Board of Medicine

in which the physician attached the initials "M.D." to his name. *Morris v. District of Columbia Bd. of Medicine, App. D.C., 701 A.2d 364 (1997).*

§ 2-3310.3. Certain representations prohibited.

* * * * *

(b) Unless authorized to practice as an advanced practice registered nurse under this chapter, a person shall not use or imply the use of the words or terms "advanced practice registered nurse", "A.P.R.N.", "certified registered nurse anesthetist", "C.R.N.A.", "certified nurse midwife", "C.N.M.", "clinical nurse specialist", "C.N.S.", "nurse practitioner", "N.P.", or any similar title or description of services with the intent to represent that the person practices advanced registered nursing.

* * * * *

(u) Unless authorized to practice respiratory care pursuant to this chapter, a person shall not use the phrase "licensed respiratory care practitioner" or any similar title or description of services with the intent to represent that the person is a respiratory care practitioner.

(v) Unless authorized to practice massage therapy under this chapter, a person shall not use or imply the use of the words or terms "massage therapy", "therapeutic massage", "myotherapy", "bodyrub", or similar title or description of services, or the initials "LMT", with the intent to represent that the person practices massage. (Mar. 25, 1986, D.C. Law 6-99, § 1003, 33 DCR 729; July 22, 1992, D.C. Law 9-126, § 2(i), 39 DCR 3824; Mar. 14, 1995, D.C. Law 10-203, § 2(g), 41 DCR 7707; Mar. 14, 1995, D.C. Law 10-205, § 2(g), 41 DCR 7712; Mar. 23, 1995, D.C. Law 10-247, § 2(y), 42 DCR 457; Apr. 18, 1996, D.C. Law 11-110, § 7(g), 43 DCR 530.)

Effect of amendments.

D.C. Law 10-203 added (u).

D.C. Law 10-205 added (v).

D.C. Law 10-247 rewrote (b).

D.C. Law 11-110 validated previously made punctuation changes in (b).

Legislative history of Law 10-203. — See note to § 2-3301.1.

Legislative history of Law 10-205. — See note to § 2-3307.31.

Legislative history of Law 10-247. — See note to § 2-3301.1.

Legislative history of Law 11-110. — See note to § 2-3301.2.

Attachment of initials "M.D." — A physician who was licensed to practice medicine elsewhere, but was not licensed in D.C., did not misrepresent that he was licensed to practice in D.C. by sending letters to the Board of Medicine in which the physician attached the initials "M.D." to his name. *Morris v. District of Columbia Bd. of Medicine, App. D.C., 701 A.2d 364 (1997).*

§ 2-3310.6a. Pharmacist consultation with medical assistance recipient or caregivers; records.

(a) A pharmacist who provides prescription services to medical assistance recipients shall offer to discuss with each medical assistance recipient or caregiver who presents a prescription order for outpatient drugs any matter which, in the exercise of the pharmacist's professional judgment, the pharmacist deems significant, which may include the following:

- (1) The name and description of the medication;
- (2) The dosage form, dosage, route of administration, and duration of drug therapy;
- (3) Special directions, precautions for preparation, administration, and use by the patient;
- (4) Common severe side or adverse effects or interactions and therapeutic contraindications that may be encountered, including their avoidance, and the action required if they occur;
- (5) Techniques for self-monitoring drug therapy;
- (6) Proper storage;
- (7) Prescription refill information; and
- (8) Action to be taken in the event of a missed dose.

(b) The offer to discuss may be made in the manner determined by the professional judgment of the pharmacist, which may include any 1 or a combination of the following:

- (1) A face-to-face communication with the pharmacist or the pharmacist's designee;
- (2) A sign posted in such a manner that it can be seen by patients;
- (3) A notation affixed to or written on the bag in which the prescription is to be dispensed;
- (4) A notation contained on the prescription container;
- (5) Communication by telephone; or
- (6) Any other manner prescribed by rule.

(c) Nothing in this section shall be construed as requiring a pharmacist to provide consultation if the medical assistance recipient or caregiver refuses the consultation. These refusals shall be noted in the profile maintained in accord with subsection (d) of this section for a medical assistance recipient.

(d) A pharmacist shall make a reasonable effort to obtain, record, and maintain, at the individual pharmacy, the following minimal information regarding a medical assistance recipient receiving a prescription:

- (1) Name, address, telephone number, date of birth or age, and gender;
- (2) Individual patient history when significant, including known allergies and drug reactions, and a comprehensive list of medications and relevant devices; and

(3) Pharmacist comments relevant to the individual's drug therapy, which may be recorded either manually or electronically in the patient's profile, including any failure to accept the pharmacist's offer to counsel.

(e) This section shall apply only to medical assistance recipients presenting prescriptions for covered outpatient drugs.

(f) The requirements of this section do not apply to refill prescriptions.

(g) The Mayor may adopt regulations implementing the provisions of this section to assure compliance with federal medical assistance requirements.

(Mar. 25, 1986, D.C. Law 6-99, § 1006a, as added Apr. 26, 1994, D.C. Law 10-102, § 2, 41 DCR 1002.)

Effect of amendments. — D.C. Law 10-102 added this section.

Legislative history of Law 10-102. — Law 10-102, the “Patient Counseling Amendment Act of 1994,” was introduced in Council and assigned Bill No. 10-376, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on January 4, 1994, and February 1, 1994, respectively. Signed by the Mayor on February 17, 1994, it was assigned Act No. 10-190 and transmitted to both Houses of Congress for its review. D.C. Law 10-102 became effective on April 26, 1994.

Severability of Law 10-102. — If any provision of this act or the application thereof to any health care provider is deemed improper and would therefore cause the denial of any portion of the federal share of payment for Medical Assistance expenditures by the United States Department of Health and Human Services, then that provision shall be declared invalid, but the invalidity shall not affect other provisions or any other application of this act which can be given effect without the invalid provision or application.

§ 2-3310.7. Criminal penalties.

* * * * *

(b) Any person who has been previously convicted under this chapter shall, upon conviction, be subject to imprisonment not to exceed one year or a fine not to exceed \$25,000, or both. (Mar. 25, 1986, D.C. Law 6-99, § 1007, 33 DCR 729; Mar. 23, 1995, D.C. Law 10-247, § 2(z), 42 DCR 457.)

Effect of amendments. — D.C. Law 10-247, in (b), substituted “1 year” for “5 years” and substituted “\$25,000” for “\$20,000.”

Legislative history of Law 10-247. — See note to § 2-3301.1.

§ 2-3310.8. Prosecutions.

(a) Prosecutions for violations of this chapter shall be brought in the name of the District of Columbia by the Corporation Counsel.

(b) In any prosecution brought under this chapter, any person claiming an exemption from licensing under this chapter shall have the burden of providing entitlement to the exemption. (Mar. 25, 1986, D.C. Law 6-99, § 1008, 33 DCR 729; Mar. 23, 1995, D.C. Law 10-247, § 2(aa), 42 DCR 457.)

Effect of amendments. — D.C. Law 10-247 rewrote this section.

Legislative history of Law 10-247. — See note to § 2-3301.1.

CHAPTER 34. INTERIOR DESIGN LICENSURE.

Sec.
2-3401 to 2-3411. [Repealed].

§ 2-3401. Definitions.

Repealed.

(Feb. 24, 1987, D.C. Law 6-172, § 2, 33 DCR 7211; Apr. 20, 1999, D.C. Law 12-261, § 1232, 46 DCR 3142.)

Legislative history of Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No.

12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

Revision of chapter. — Former Chapter 34 of this title, containing §§ 2-3401 through 2-3411 was repealed by § 1232 of D.C. Law 12-261. As to current provisions concerning the licensure of interior designers, see §§ 47-2853.101 through 47-2853.103.

§ 2-3402. Board of Interior Designers; qualifications of members; terms of office.

Repealed.

(Feb. 24, 1987, D.C. Law 6-172, § 3, 33 DCR 7211; Apr. 20, 1999, D.C. Law 12-261, § 1232, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-3401.

§ 2-3403. Duties and powers of Board.

Repealed.

(Feb. 24, 1987, D.C. Law 6-172, § 4, 33 DCR 7211; Apr. 20, 1999, D.C. Law 12-261, § 1232, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-3401.

§ 2-3404. Duties of Mayor.

Repealed.

(Feb. 24, 1987, D.C. Law 6-172, § 5, 33 DCR 7211; Apr. 20, 1999, D.C. Law 12-261, § 1232, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-3401.

§ 2-3405. Examination.

Repealed.

(Feb. 24, 1987, D.C. Law 6-172, § 6, 33 DCR 7211; Apr. 20, 1999, D.C. Law 12-261, § 1232, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-3401.

§ 2-3406. Licensure of interior designers; waiver of examination.

Repealed.

(Feb. 24, 1987, D.C. Law 6-172, § 7, 33 DCR 7211; Apr. 20, 1999, D.C. Law 12-261, § 1232, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-3401.

§ 2-3407. License renewal.

Repealed.

(Feb. 24, 1987, D.C. Law 6-172, § 8, 33 DCR 7211; Apr. 20, 1999, D.C. Law 12-261, § 1232, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-3401.

§ 2-3408. Exemptions.

Repealed.

(Feb. 24, 1987, D.C. Law 6-172, § 9, 33 DCR 7211; Apr. 20, 1999, D.C. Law 12-261, § 1232, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-3401.

§ 2-3409. Signing of drawings and specifications.

Repealed.

(Feb. 24, 1987, D.C. Law 6-172, § 10, 33 DCR 7211; Apr. 20, 1999, D.C. Law 12-261, § 1232, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-3401.

§ 2-3410. Revocation, suspension, or denial of license.

Repealed.

(Feb. 24, 1987, D.C. Law 6-172, § 11, 33 DCR 7211; Apr. 20, 1999, D.C. Law 12-261, § 1232, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-3401.

§ 2-3411. Penalty for illegal practice or use of title.

Repealed.

(Feb. 24, 1987, D.C. Law 6-172, § 12, 33 DCR 7211; Mar. 8, 1991, D.C. Law 8-237, § 16, 38 DCR 314; Apr. 20, 1999, D.C. Law 12-261, § 1232, 46 DCR 3142.)

Legislative history of Law 12-261. — See note to § 2-3401.

CHAPTER 35. BICENTENNIAL COMMISSION.

Sec.
2-3501 to 2-3506. [Repealed].

§ 2-3501. Findings of Council.

Repealed.

(July 25, 1987, D.C. Law 7-12, § 2, 34 DCR 3783; Apr. 29, 1998, D.C. Law 12-86, § 401(c), 45 DCR 1172.)

Legislative history of Law 12-86. — Law 12-86, the “Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-458, which was referred to the Committee on Public Works and the Environment and the Committee on Consumer and Regulatory Affairs. The Bill was

adopted on first and second readings on December 19, 1997, and January 6, 1998, respectively. Signed by the Mayor on January 21, 1998, it was assigned Act No. 12-256 and transmitted to both Houses of Congress for its review. D.C. Law 12-86 became effective on April 29, 1998.

§ 2-3502. Definitions.

Repealed.

(July 25, 1987, D.C. Law 7-12, § 3, 34 DCR 3783; Apr. 29, 1998, D.C. Law 12-86, § 401(c), 45 DCR 1172.)

Legislative history of Law 12-86. — See note to § 2-3501.

§ 2-3503. Establishment of District of Columbia Bicentennial Commission.

Repealed.

(July 25, 1987, D.C. Law 7-12, § 4, 34 DCR 3783; Apr. 29, 1998, D.C. Law 12-86, § 401(c), 45 DCR 1172.)

Legislative history of Law 12-86. — See note to § 2-3501.

§ 2-3504. Funding.

Repealed.

(July 25, 1987, D.C. Law 7-12, § 5, 34 DCR 3783; Apr. 29, 1998, D.C. Law 12-86, § 401(c), 45 DCR 1172.)

Legislative history of Law 12-86. — See note to § 2-3501.

§ 2-3505. Establishment of District of Columbia Bicentennial Fund.

Repealed.

(July 25, 1987, D.C. Law 7-12, § 6, 34 DCR 3783; Apr. 29, 1998, D.C. Law 12-86, § 401(c), 45 DCR 1172.)

Legislative history of Law 12-86. — See note to § 2-3501.

§ 2-3506. Duties.

Repealed.

(July 25, 1987, D.C. Law 7-12, § 7, 34 DCR 3783; Apr. 29, 1998, D.C. Law 12-86, § 401(c), 45 DCR 1172.)

Legislative history of Law 12-86. — See note to § 2-3501.

CHAPTER 37. TASK FORCE ON HUNGER.

Sec.
2-3701 to 2-3706. [Repealed].

§ 2-3701. Task Force on Hunger established.

Repealed.

(Mar. 6, 1991, D.C. Law 8-201, § 2, 37 DCR 7476; Apr. 29, 1998, D.C. Law 12-86, § 401(d), 45 DCR 1172.)

Legislative history of Law 12-86. — Law 12-86, the “Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-458, which was referred to the Committee on Public Works and the Environment and the Committee on Consumer and Regulatory Affairs. The Bill was

adopted on first and second readings on December 19, 1997, and January 6, 1998, respectively. Signed by the Mayor on January 21, 1998, it was assigned Act No. 12-256 and transmitted to both Houses of Congress for its review. D.C. Law 12-86 became effective on April 29, 1998.

§ 2-3702. Powers and duties of the Task Force.

Repealed.

(Mar. 6, 1991, D.C. Law 8-201, § 3, 37 DCR 7476; Apr. 29, 1998, D.C. Law 12-86, § 401(d), 45 DCR 1172.)

Legislative history of Law 12-86. — See note to § 2-3701.

§ 2-3703. Compensation and expenses of the Task Force members.

Repealed.

(Mar. 6, 1991, D.C. Law 8-201, § 4, 37 DCR 7476; Apr. 29, 1998, D.C. Law 12-86, § 401(d), 45 DCR 1172.)

Legislative history of Law 12-86. — See note to § 2-3701.

§ 2-3704. Staffing and budget.

Repealed.

(Mar. 6, 1991, D.C. Law 8-201, § 5, 37 DCR 7476; Apr. 29, 1998, D.C. Law 12-86, § 401(d), 45 DCR 1172.)

Legislative history of Law 12-86. — See note to § 2-3701.

§ 2-3705. Rules.

Repealed.

(Mar. 6, 1991, D.C. Law 8-201, § 6, 37 DCR 7476; Apr. 29, 1998, D.C. Law 12-86, § 401(d), 45 DCR 1172.)

Legislative history of Law 12-86. — See note to § 2-3701.

§ 2-3706. Applicability.

Repealed.

(Mar. 6, 1991, D.C. Law 8-201, § 7, 37 DCR 7476; Apr. 29, 1998, D.C. Law 12-86, § 401(d), 45 DCR 1172.)

Legislative history of Law 12-86. — See note to § 2-3701.

CHAPTER 39. COMMISSION FOR MEN.

Sec.

2-3901 to 2-3906. [Expired].

§ 2-3901. Establishment of advisory task force on men.

Expired.

(Feb. 23, 1994, D.C. Law 10-72, § 2, 40 DCR 7585.)

Legislative history of Law 10-72. — Law 10-72, the “Commission for Men Act of 1993,” was introduced in Council and assigned Bill No. 10-104, which was referred to the Committee on Public Services and Youth Affairs. The Bill was adopted on first and second readings on September 21, 1993, and October 5, 1993, respectively. Signed by the Mayor on October

26, 1993, it was assigned Act No. 10-128 and transmitted to both Houses of Congress for its review. D.C. Law 10-72 became effective on February 23, 1994.

Expiration of Law 10-72. — Section 8(b) of D.C. Law 10-72 provided that the act shall expire 3 years after its effective date.

§ 2-3902. Establishment of Commission for Men.

Expired.

(Feb. 23, 1994, D.C. Law 10-72, § 3, 40 DCR 7585.)

Legislative history of Law 10-72. — See **Expiration of Law 10-72.** — See note to note to § 2-3901. § 2-3901.

§ 2-3903. Qualifications; terms of office.

Expired.

(Feb. 23, 1994, D.C. Law 10-72, § 4, 40 DCR 7585.)

Legislative history of Law 10-72. — See **Expiration of Law 10-72.** — See note to note to § 2-3901. § 2-3901.

§ 2-3904. Compensation.

Expired.

(Feb. 23, 1994, D.C. Law 10-72, § 5, 40 DCR 7585.)

Legislative history of Law 10-72. — See **Expiration of Law 10-72.** — See note to note to § 2-3901. § 2-3901.

§ 2-3905. Powers of the Commission.

Expired.

(Feb. 23, 1994, D.C. Law 10-72, § 6, 40 DCR 7585.)

Legislative history of Law 10-72. — See **Expiration of Law 10-72.** — See note to note to § 2-3901. § 2-3901.

§ 2-3906. Administration.

Expired.

(Feb. 23, 1994, D.C. Law 10-72, § 7, 40 DCR 7585.)

Legislative history of Law 10-72. — See **Expiration of Law 10-72.** — See note to note to § 2-3901. § 2-3901.

CHAPTER 40. SPORTS AND ENTERTAINMENT COMMISSION.

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| Sec. | Sec. |
| 2-4001. Declaration of policy. | 2-4011. Delegation of bond and note issuance authority. |
| 2-4002. Definitions. | 2-4012. Bonds; issuance; terms. |
| 2-4003. Establishment of the District of Columbia Sports and Entertainment Commission. | 2-4013. Public or private bond sale. |
| 2-4004. Board members qualifications; terms of office; removal; compensation. | 2-4014. Tax exemption. |
| 2-4005. Executive Director. | 2-4015. Conflicting relationships or interests. |
| 2-4006. Powers. | 2-4016. Local, small, and disadvantaged business program. |
| 2-4007. Power to develop, construct and maintain facilities. | 2-4017. Employees of the Sports and Entertainment Commission. |
| 2-4008. Power to own and operate professional sports franchises. | 2-4018. Assumption of nonmilitary functions of Armory Board; construction; effect of dissolution of Sports and Entertainment Commission. |
| 2-4009. Creation of Fund, transfer of monies. | 2-4019. Annual report. |
| 2-4010. Financial affairs. | |

Effect of amendments. — D.C. Law 12-115 substituted “Sports and Entertainment Com-

mission” for “Sports Commission” in the chapter heading.

§ 2-4001. Declaration of policy.

(a) The Council of the District of Columbia hereby finds there is a need to combine in one entity the supervision and control of sporting, entertainment, and recreational activities in the District of Columbia, and hereby establishes a Sports and Entertainment Commission as a corporate instrumentality of the District for the purposes of:

(1) Promoting, developing and maintaining the District as a location for hosting sporting and entertainment events;

(2) Planning, developing, financing, and maintaining a comprehensive complex of sports, entertainment, and recreation facilities in the District as locations for hosting sporting events; and

(3) Consolidating the District’s efforts in promoting and managing sporting events and entertainment.

(b) In addition, an important goal for the Sports and Entertainment Commission is to encourage and support youth activities in the District by, among other ways, sponsoring sporting events for young athletes, attracting national collegiate championships to the District, supporting activities by the Department of Recreation and Parks, and by providing disadvantaged youths with opportunities to attend sporting events.

(c) As the entity solely responsible for promoting sporting events in the District, the Sports and Entertainment Commission shall consolidate and adopt the nonmilitary functions of the Armory Board, and the nonregulatory functions of the District of Columbia Commission on Baseball and the District of Columbia Boxing and Wrestling Commission; however, to facilitate the presentation of sporting events, the Sports and Entertainment Commission may act as a liaison between sports interests (such as promoters and professional collegiate league officials) and District regulatory authorities. With the exception of promoting sporting events, the District of Columbia Commission on Baseball and the District of Columbia Boxing and Wrestling Commission shall continue to be responsible for their respective regulatory functions.

(d) The Council determines that such Sports and Entertainment Commission shall be given authority to generate funds from private and public sources to further the purposes of this chapter. (Aug. 23, 1994, D.C. Law 10-152, § 2, 41 DCR 4636; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957.)

Effect of amendments. — D.C. Law 12-115 substituted “Sports and Entertainment Commission” for “Sports Commission” throughout the section.

Legislative history of Law 10-152. — Law 10-152, the “Omnibus Sports Consolidation Act of 1994,” was introduced in Council and assigned Bill No. 10-424, which was referred to the Committee on Public Services and Youth Affairs. The Bill was adopted on first and second readings on May 3, 1994, and June 7, 1994, respectively. Signed by the Mayor on

June 30, 1994, it was assigned Act No. 10-265 and transmitted to both Houses of Congress for its review. D.C. Law 10-152 became effective on August 23, 1994.

Legislative history of Law 12-115. — Law 12-115, the “Omnibus Sports Consolidation Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-417. The Bill was adopted on first and second readings on February 3, 1998, and March 3, 1998, respectively. Signed by the Mayor on March 17, 1998, it was assigned Act No. 12-312 and transmitted

to both Houses of Congress for its review. D.C. Law 12-115 became effective on June 6, 1998.

§ 2-4002. Definitions.

For purposes of this chapter:

(1) The term "bonds" means any bonds, notes, or other obligations issued by the Sports and Entertainment Commission pursuant to this chapter.

(2) The term "Council" means the Council of the District of Columbia.

(3) The term "facility" means:

(A) Any stadium, arena, or recreation site owned and operated by the District government or under direct control of the Sports and Entertainment Commission or any stadium or arena owned or financed by the Sports and Entertainment Commission in whole or in part;

(B) Any office used by a sports team or sports franchise, only if domiciled in a facility owned and operated by the District; and

(C) Any property subordinate or functionally related to a stadium or arena, including, but not limited to:

(i) Parking lots;

(ii) Parking garages;

(iii) Practice facilities;

(iv) The District of Columbia National Guard Armory; and

(v) Other properties.

(4) The term "Robert F. Kennedy Stadium" includes all property, facilities, equipment and appliances of any kind comprising the areas designated as A, B, C, D, or E on the revised map entitled "Map to Designate Transfer of Stadium and Lease of Parking Lots to the District," prepared jointly by the National Park Service (National Capital Region) and the District of Columbia Department of Public Works for site development and dated October 1986 (NPS drawing number 831/87284-A) and any other future additions thereto. (Aug. 23, 1994, D.C. Law 10-152, § 3, 41 DCR 4636; Mar. 23, 1995, D.C. Law 10-246, § 8(a), 42 DCR 452; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957.)

Effect of amendments. — D.C. Law 10-246 substituted "stadium, arena, or recreation site owned and operated" for "stadium or arena owned and operated" near the beginning of (3)(A).

D.C. Law 12-115 substituted "Sports and Entertainment Commission" for "Sports Commission" throughout the section.

Emergency act amendments. — For temporary amendment of section, see § 8 (a) of the Recreation Emergency Act of 1995 (D.C. Act 11-20, February 28, 1995, 42 DCR 1175).

Legislative history of Law 10-152. — See note to § 2-4001.

Legislative history of Law 10-246. — Law 10-246, the "Recreation Act of 1994," was introduced in Council and assigned Bill No. 10-741, which was referred to the Committee on Public Services and Youth Affairs. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on January 13, 1995, it was assigned Act No. 10-393 and transmitted to both Houses of Congress for its review. D.C. Law 10-246 became effective on March 23, 1995.

Legislative history of Law 12-115. — See note to § 2-4001.

§ 2-4003. Establishment of the District of Columbia Sports and Entertainment Commission.

There is established as an independent authority of the District government a District of Columbia Sports and Entertainment Commission. The Sports and

Entertainment Commission is created as a corporate body and instrumentality of the District and is created for the purposes of:

- (1) Promoting the District as a location for holding sporting events which will enhance the District's economic development through, among other things, tourism, job opportunities, entertainment, business development, and national and international exposure;
 - (2) Providing community outreach and grassroots recreation for all residents of the District, especially children;
 - (3) Coordinating the development, construction, and implementation of new facilities and related infrastructure, and the improvement of existing facilities in the District including issuing bonds, notes, or other obligations to finance the acquisition, construction, rehabilitation, or expansion of such facilities;
 - (4) Managing and maintaining facilities in the District which presently exist and which may hereafter be constructed by the Sports and Entertainment Commission or the District;
 - (5) Promoting and marketing sports events in the District and participation in such sports events, including, but not limited to, boxing, wrestling, martial arts, track and field, gymnastics, basketball, and other matches, contests, exhibitions, and showings, professional as well as amateur, of any kind or nature; and
 - (6) Owning and operating professional sports franchises in the District.
- (Aug. 23, 1994, D.C. Law 10-152, § 4, 41 DCR 4636; Mar. 23, 1995, D.C. Law 10-246, § 8(b), 42 DCR 452; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957.)

Section references. — This section is referred to in § 47-2722.

Effect of amendments. — D.C. Law 10-246 inserted “as an independent authority of the District government” in the first sentence of the introductory language.

D.C. Law 12-115 substituted “Sports and Entertainment Commission” for “Sports Commission” throughout the section.

Emergency act amendments. — For temporary amendment of section, see § 8 (b) of the Recreation Emergency Act of 1995 (D.C. Act 11-20, February 28, 1995, 42 DCR 1175).

Legislative history of Law 10-152. — See note to § 2-4001.

Legislative history of Law 10-246. — See note to § 2-4002.

Legislative history of Law 12-115. — See note to § 2-4001.

Transfer of nonmilitary functions to Sports Commission. — Section 19 of D.C. Law 10-152, provided, in part, that the Sports Commission shall assume all nonmilitary functions of the Armory Board as are set forth in § 2-306 [repealed] and that all references to the Armory Board in Subchapter II of Chapter 3 of Title 2 are intended to be references to the Sports Commission unless the clear meaning requires otherwise.

Section 2 of D.C. Law 10-206 amended § 19 of D.C. Law 10-152 by adding (e) and (f) which contain provisions authorizing the Armory Board to exercise its nonmilitary functions and authority on an interim basis and ratifying actions taken by the Board during the interim period.

For temporary amendment of D.C. Law 10-152, authorizing the Armory Board to exercise its nonmilitary functions and authority on an interim basis, see § 2 of the Armory Board Interim Authority Emergency Amendment Act of 1994 (D.C. Act 10-325, October 14, 1994, 41 DCR 7027) and § 2 of the Armory Board Interim Authority Congressional Adjournment Emergency Amendment Act of 1995 (D.C. Act 11-5, January 19, 1995, 42 DCR 545).

Title of land and improvements acquired by Commission. — Section 601(g) of D.C. Law 10-188 provided that all land and improvements on the land acquired by the Sports Commission shall be held in the name of the Sports Commission except that title to the property shall not be transferred by the Sports Commission to any person or entity other than the District of Columbia government.

§ 2-4004. Board members qualifications; terms of office; removal; compensation.

(a) The Sports and Entertainment Commission Board of Directors ("Board") shall consist of 11 members, 8 of whom shall be nominated by the Mayor subject to the advice and consent of the Council. The Commanding General of the District of Columbia National Guard, the Chief Financial Officer of the District of Columbia, and the Director of the Department of Recreation and Parks, or any successor official with similar responsibilities, shall serve as ex-officio members of the Board with full privileges of Board membership. The nomination of the 8 members shall be submitted to the Council for a 90-day period of review, excluding days of Council recess. If the Council does not approve the nomination by resolution within this 90-day review period, the nomination shall be deemed disapproved. Members shall be residents of the District and shall include prominent business, civic, and sports leaders. Representation on the Board shall include, but not be limited to, individuals with experience and understanding of the political, financial, and organizational structure of sports.

(b) Members of the Board (other than ex-officio members) shall serve a 4-year term of office, with the exception that of the members first appointed, one member shall be appointed to a 1-year term of office, 2 members shall be appointed to a 2-year term of office, 2 members shall be appointed to a 3-year term of office, and 3 members shall be appointed to a 4-year term of office from August 23, 1994, until December 31 of the applicable year.

(c) A vacancy on the Board shall be filled in the same manner that the original appointment was made. Any person appointed to fill a vacancy shall serve only for the unexpired term of the original appointment, but may be reappointed to one or more additional terms.

(d) A member of the Board, whose term has expired, may continue to serve until a new member is appointed. Members shall be eligible for reappointment.

(e) The Mayor may remove a member of the Board for failing to establish or maintain District residency, misconduct, neglect of duty, or other cause, as defined by the Board in its by-laws after notice to the member. If a member of the Board is indicted for the commission of a felony, that member shall be automatically suspended from serving on the Board. Upon a final determination of guilt or innocence, the term of such Board member shall, respectively, be automatically terminated or reinstated. Each member, before assuming the duties of Board membership, shall take and subscribe an oath to perform the duties of the office faithfully, impartially, and justly to the best of the member's ability. A record of such oaths shall be filed in the office of the Special Assistant to the Mayor for Boards and Commissions.

(f) The powers of the Sports and Entertainment Commission shall be vested in the Board. A majority of the Board, including members prohibited by § 2-4015 from voting on certain matters, shall constitute a quorum. A quorum shall be necessary for the Board to conduct its business.

(g) The Mayor shall appoint a chairperson from among the public members with the advice and consent of the Council by resolution.

(h) Members of the Board not otherwise compensated by the District shall be compensated at a rate equal to the daily equivalent of the highest step of a

grade 15 of the District schedule established pursuant to Chapter 6 of Title 1, while engaged in the actual performance of Board duties, not to exceed \$10,000 per annum. A member of the Board who is also an officer or employee of the district or the United States shall serve without compensation. Members of the Board shall be reimbursed for all reasonable and necessary expenses incurred while engaged in official duties of the Commission.

(i) The Board shall meet at least 4 times annually. All meetings of the Board shall be subject to the provisions of § 1-1504.

(j) The Board may nominate and select special advisors who shall advise the Sports and Entertainment Commission on matters relevant to the functions of the Sports and Entertainment Commission, although decision-making shall reside with the Board. The Board may also identify task forces as required. Task force members shall be composed of Board members, special advisors, and others interested in serving.

(k) Actions taken by the Board authorizing the issuance of bonds, notes, or other obligations shall require the affirmative vote of 7 members of the Board, one of whom must be the Chief Financial Officer of the District. (Aug. 23, 1994, D.C. Law 10-152, § 5, 41 DCR 4636; Sept. 28, 1994, D.C. Law 10-188, § 601(a), 41 DCR 5333; Mar. 23, 1995, D.C. Law 10-246, § 8(c), 42 DCR 452; July 20, 1996, D.C. Law 11-145, § 2, 43 DCR 2842; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957; _____, 1999, D.C. Law 12-(Act 12-622), § 4(b), 46 DCR 1355.)

Section references. — This section is referred to in § 1-633.7.

Effect of amendments. — D.C. Law 10-188 substituted “a District government official designated by the Mayor” for “the Commanding General of the District of Columbia National Guard” in the first sentence of (a); and rewrote (g) and (h) and the second sentence in (i).

D.C. Law 10-246, in (a), rewrote the first sentence, inserted the second sentence, and substituted “8” for “9” in the present third sentence; and rewrote (e).

D.C. Law 11-145, in (b), substituted “first appointed, 1 member” for “first appointed, 2 members”; and substituted “§ 2-4015” for “§ 2-4010” in (f).

D.C. Law 12-115 substituted “Sports and Entertainment Commission” for “Sports Commission” throughout the section.

D.C. Law 12-(D.C. Act 12-622) rewrote the third and fourth sentences in (a).

Temporary amendment of section. — D.C. Law 11-67 substituted “first appointed, 1 member” for “first appointed, 2 members” in (b); and substituted “§ 2-4015” for “§ 2-4010” in (f).

Section 4(b) of D.C. Law 11-67 provides that the act shall expire after 225 days of its having taken effect or on the effective date of the Omnibus Sports Consolidation Act Amendment Act of 1995, whichever occurs first.

Emergency act amendments. — For temporary amendment of section, see § 8 (c) of the Recreation Emergency Act of 1995 (D.C. Act 11-20, February 28, 1995, 42 DCR 1175).

For temporary amendment of section, see § 2

of the Omnibus Sports Consolidation Act of 1994 Emergency Amendment Act of 1995 (D.C. Act 11-102, July 21, 1995, 42 DCR 4009).

For temporary amendment of section, see § 2(a) and (b) of the Omnibus Sports Consolidation Act Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-275, May 29, 1996, 43 DCR 2966).

For temporary amendment of section, see § 4(b) of the Confirmation Emergency Amendment Act of 1999 (D.C. Act 13-25, March 15, 1999, 46 DCR 2971).

Section 6 of D.C. Act 13-25 provides for the application of the act.

Legislative history of Law 10-152. — See note to § 2-4001.

Legislative history of Law 10-188. — Law 10-188, the “Washington Convention Center Authority Act of 1994,” was introduced in Council and assigned Bill No. 10-527, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on July 5, 1994, and July 19, 1994, respectively. Signed by the Mayor on August 2, 1994, it was assigned Act No. 10-314 and transmitted to both Houses of Congress for its review. D.C. Law 10-188 became effective on September 28, 1994.

Legislative history of Law 10-246. — See note to § 2-4002.

Legislative history of Law 11-67. — Law 11-67, the “Omnibus Sports Consolidation Act of 1994 Temporary Amendment Act of 1995,” was introduced in Council and assigned Bill No. 11-376. The Bill was adopted on first and

second readings on July 11, 1995, and July 29, 1995, respectively. Signed by the Mayor on August 9, 1995, it was assigned Act No. 11-130 and transmitted to both Houses of Congress for its review. D.C. Law 11-67 became effective on October 26, 1995.

Legislative history of Law 11-145. — Law 11-145, the “Omnibus Sports Consolidation Act Amendment Act of 1996,” was introduced in Council and Assigned Bill No. 11-349, which was referred to the Committee on Public Services and Regional Authorities. The Bill was adopted on first and second readings on April 2, 1996, and May 7, 1996, respectively. Signed by the Mayor on May 20, 1996, it was assigned Act No. 11-269 and transmitted to both Houses of Congress for its review. D. C. Law 11-145 became effective on July 20, 1996.

Legislative history of Law 12-115. — See note to § 2-4001.

Legislative history of Law 12-(D.C. Act 12-622). — Law 12-(D.C. Act 12-622), the “Confirmation Amendment Act of 1998,” was introduced in Council and assigned Bill No. _____, which was referred to the Committee on _____. The Bill was adopted on first and second readings on _____, and _____, respectively. Signed by the Mayor on _____, it was assigned Act No. 12-622 and transmitted to both Houses of Congress for its review. D.C. Law 12-(D.C. Act

12-622) _____ became _____ effective _____ on _____.

Editor’s notes. — Prior to the amendments made by D.C. Law 12-(Act 12-622), (a) should have read as follows:

“(a) The Sports and Entertainment Commission Board of Directors (“Board”) shall consist of 11 members, 8 of whom shall be nominated by the Mayor subject to the advice and consent of the Council. The Commanding General of the District of Columbia National Guard, the Chief Financial Officer of the District of Columbia, and the Director of the Department of Recreation and Parks, or any successor official with similar responsibilities, shall serve as ex-officio members of the Board with full privileges of Board membership. The nomination of the 8 members shall be submitted to the Council for a 60-day review, excluding days of Council recess. If the Council does not approve or disapprove the nomination by resolution within the 60-day review period, the nomination shall be deemed approved. Members shall be residents of the District and shall include prominent business, civic, and sports leaders. Representation on the Board shall include, but not be limited to, individuals with experience and understanding of the political, financial, and organizational structure of sports.”

This version of (a) is being set out to correct any error appearing in the bound volume.

§ 2-4005. Executive Director.

(a) The Board shall appoint an Executive Director who shall serve as the chief executive officer of the Sports and Entertainment Commission. The Executive Director shall be an employee of the Sports and Entertainment Commission but shall not be a member of the Board. The Executive Director shall serve at the pleasure of the Board and shall receive such compensation as shall be fixed by the Board.

(b) In addition to any other duties set forth in this chapter, the Executive Director shall:

(1) Direct and supervise the administration and management of the Sports and Entertainment Commission, and direct the affairs and activities of the Sports and Entertainment Commission, in accordance with policies, rules, and regulations of the Sports and Entertainment Commission;

(2) Be Secretary to the Board;

(3) Attend meetings of the Board and keep minutes of all proceedings of the Board;

(4) Approve all accounts for salaries, per diem payments, and allowable expenses of the Sports and Entertainment Commission and its employees and consultants, and approve all expenses incidental to the operation of the Sports and Entertainment Commission;

(5) Report and make recommendations to the Board on the merits and status of efforts of any proposed facility or sports events and present financial reports at each Board meeting;

(6) Hire such personnel as the Executive Director deems necessary to carry out the functions of the Sports and Entertainment Commission, subject to Board approval; and

(7) Perform such other duties as the Board may require to carry out the provisions of this chapter. (Aug. 23, 1994, D.C. Law 10-152, § 6, 41 DCR 4636; Sept. 28, 1994, D.C. Law 10-188, § 601(b), 41 DCR 5333; Mar. 23, 1995, D.C. Law 10-246, § 8(d), 42 DCR 452; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957.)

Effect of amendments. — D.C. Law 10-188 deleted the former last sentence in (a) as enacted by D.C. Law 10-152.

D.C. Law 10-246 rewrote (a).

D.C. Law 12-115 substituted "Sports and Entertainment Commission" for "Sports Commission" throughout the section.

Emergency act amendments. — For temporary amendment of section, see § 8 (d) of the Recreation Emergency Act of 1995 (D.C. Act 11-20, February 28, 1995, 42 DCR 1175).

Legislative history of Law 10-152. — See note to § 2-4001.

Legislative history of Law 10-188. — See note to § 2-4004.

Legislative history of Law 10-246. — See note to § 2-4002.

Legislative history of Law 12-115. — See note to § 2-4001.

§ 2-4006. Powers.

The Sports and Entertainment Commission shall have the power to:

- (1) Sue and be sued;
- (2) Adopt an official seal and alter it from time to time;
- (3) Make, amend, carry out, and enforce any rule it deems necessary for and likely to be effective in governing the promotion and management of sporting events and facilities in the District;
- (4) Maintain an office at any location within the District that the Sports and Entertainment Commission may designate;
- (5) Make and alter bylaws for its organization and internal management and for the conduct of its affairs and businesses;
- (6) Acquire, hold, use, and dispose of its income, revenues, funds and monies, including:
 - (A) Raise funds;
 - (B) Structure creative financing packages to enhance the likelihood of attracting sport events to the District, and in furtherance of the objectives set forth in this chapter;
 - (C) Charge source related user fees; and
 - (D) Collect and expend District tax revenues dedicated by the Council to, or derived from activities in, facilities;
- (7) Borrow money and issue revenue bonds or other evidences of indebtedness and give security therefor regardless of whether the interest payable incident to such loans or revenue bonds or income derived by the holders of the evidence of such indebtedness or revenue bonds is for purposes of federal taxation, includable in the taxable income of the recipients of such payments or is otherwise not exempt from the imposition of taxation for the recipients;
- (8) Acquire, lease as lessee or lessor, hold, use, and dispose of any real or personal property;
- (9) Enter into contracts and execute any instrument necessary or convenient to accomplish the purposes of the Sports and Entertainment Commission and this chapter;

(10) Enter into agreements and joint venture arrangements with any local, state, regional, or federal government agency where the agreements are intended or designed to further the purposes of this chapter;

(11) Employ advisors, consultants, and agents including, but not limited to, financial advisors, accountants, and legal counsel, and fix their compensation;

(12) Provide through its employees, or by the grant of one or more concessions, or in part through its employees and in part by the grant of one or more concessions, for the furnishing of services and things for the accommodation of persons admitted to or using its facilities or any part thereof;

(13) Provide for the insurance of any property, operations, Board members, officers, agents, or employees of the Sports and Entertainment Commission against any risk or hazard, and provide for the indemnification of its members, officers, employees, contractors, or agents against any and all risks;

(14) Sell or dispense alcoholic beverages for consumption on the premises but only upon and within the territorial limits of the property of or under the management and control of the Sports and Entertainment Commission. The Sports and Entertainment Commission shall not have the power to sell or dispense alcoholic beverages in unbroken packages for the purpose of permitting such unbroken packages to be carried off the premises. The Sports and Entertainment Commission shall determine and regulate any resolution, and it may amend from time to time, the conditions under which such sales or dispensing of alcoholic beverages for consumption on the premises shall be made or shall be permitted, including the hours and days during which the sale or dispensing of alcoholic beverages shall be made or shall be permitted; and

(15) Do any and all things necessary or convenient to carry out the purposes of this chapter and to exercise the powers expressly granted in this chapter. (Aug. 23, 1994, D.C. Law 10-152, § 7, 41 DCR 4636; Mar. 23, 1995, D.C. Law 10-246, § 8(e), 42 DCR 452; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957.)

Effect of amendments. — D.C. Law 10-246 deleted “upon obtaining a license from the Alcoholic Beverage Control Board, or to permit others to sell or dispense, upon obtaining a license from the Alcoholic Beverage Control Board,” following “Sell or dispense” in the first sentence of (14).

D.C. Law 12-115 substituted “Sports and Entertainment Commission” for “Sports Commission” throughout the section.

Emergency act amendments. — For temporary amendment of section, see § 8 (e) of the Recreation Emergency Act of 1995 (D.C. Act 11-20, February 28, 1995, 42 DCR 1175).

Legislative history of Law 10-152. — See note to § 2-4001.

Legislative history of Law 10-246. — See note to § 2-4002.

Legislative history of Law 12-115. — See note to § 2-4001.

§ 2-4007. Power to develop, construct and maintain facilities.

(a) The Sports and Entertainment Commission shall have the power to:

(1) Construct new facilities in the District, including mega recreation centers and other recreational buildings and facilities managed by the Department of Recreation and Parks, manage and operate Robert F. Kennedy Stadium, the District of Columbia National Guard Armory, but only to the extent consistent with the nonmilitary purposes of such Armory, and any other

facility which the Sports and Entertainment Commission may construct, acquire, or own;

(2) Determine the location of, develop, establish, construct, erect, acquire, own, repair, remodel, add to, extend, improve, equip, operate, and maintain facilities to the extent the Sports and Entertainment Commission deems necessary to accomplish the purposes of this chapter;

(3) Enter into contracts pertaining to the use, construction, improvement, management, maintenance, or operation of the facilities;

(4) Determine the use of facilities owned or operated by the Sports and Entertainment Commission;

(5) Fix and revise, from time to time, and charge and collect rates, rents, fees, or other charges for the use of facilities or for services rendered in connection with the use of the facilities;

(6) Establish standards for the rental or ownership of the facilities;

(7) Provide for the inspection of facilities and equipment;

(8) Except as provided in section 19(d), acquire by purchase or lease, equipment, appliances, facilities and property of any kind the Sports and Entertainment Commission deems necessary or desirable to carry out the purposes of this section, and sell or dispose of any such property so acquired when in the judgment of the Sports and Entertainment Commission it shall be advantageous to do so, except that no contract of more than \$100,000 shall be entered into for the purpose of this paragraph without competitive bidding;

(9) Manage parking lots and concessions at facilities under the jurisdiction of the Sports and Entertainment Commission;

(10) Furnish such services to renters, lessees, and other occupants of facilities as in its judgment are necessary or suitable for carrying out the purposes of this chapter;

(11) Control facility advertising and promotion; and

(12) Adopt policies, rules and procedures governing its procurement of goods and services, notwithstanding Chapter 11A of Title 1.

(b) Notwithstanding the foregoing, the Sports and Entertainment Commission shall not have the authority to delegate, assign, lease, or contract out for the management, operation, or maintenance of the Robert F. Kennedy Stadium except to an independent manager or management entity which is not directly or indirectly associated or connected with any tenant of the Robert F. Kennedy Stadium. (Aug. 23, 1994, D.C. Law 10-152, § 8, 41 DCR 4636; Sept. 28, 1994, D.C. Law 10-188, § 601(c), 41 DCR 5333; Mar. 23, 1995, D.C. Law 10-246, § 8(f), 42 DCR 452; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957.)

Effect of amendments. — D.C. Law 10-188 added the exception at the beginning of (a)(8); and added “notwithstanding Chapter 11A of Title 1” at the end of (a)(12).

D.C. Law 10-246 rewrote (a)(1) and substituted “\$100,000” for “\$25,000” in (a)(8).

D.C. Law 12-115 substituted “Sports and Entertainment Commission” for “Sports Commission” throughout the section.

Emergency act amendments. — For temporary amendment of section, see § 8 (f) of the Recreation Emergency Act of 1995 (D.C. Act 11-20, February 28, 1995, 42 DCR 1175).

Legislative history of Law 10-152. — See note to § 2-4001.

Legislative history of Law 10-188. — See note to § 2-4004.

Legislative history of Law 10-246. — See note to § 2-4002.

Legislative history of Law 12-115. — See note to § 2-4001.

References in text. — Section 19(d) referred to in (a)(8) is § 19(d) of D.C. Law 10-152 which is codified as a note to § 2-4003.

§ 2-4008. Power to own and operate professional sports franchises.

The Sports and Entertainment Commission shall have the power to hold an ownership interest in, and operate, a professional sports team or team franchise on a temporary or permanent basis. (Aug. 23, 1994, D.C. Law 10-152, § 9, 41 DCR 4636; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957.)

Effect of amendments. — D.C. Law 12-115 substituted “Sports and Entertainment Commission” for “Sports Commission.”

Legislative history of Law 10-152. — See note to § 2-4001.

Legislative history of Law 12-115. — See note to § 2-4001.

Construction of Law 10-152. — See note to § 2-4001.

§ 2-4009. Creation of Fund, transfer of monies.

There is hereby created for the exclusive benefit of the Sports and Entertainment Commission a Sports and Entertainment Commission Fund. All monies other than funds designated for military purposes held by the Armory Board in the Starplex Fund and in the District of Columbia Commission on Baseball Fund on August 23, 1994, shall be transferred immediately to the Sports and Entertainment Commission Fund to be used for any lawful purpose of the Sports and Entertainment Commission. (Aug. 23, 1994, D.C. Law 10-152, § 10, 41 DCR 4636; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957.)

Section references. — This section is referred to in §§ 2-4019 and 47-2722.

Effect of amendments. — D.C. Law 12-115 substituted “Sports and Entertainment Commission” for “Sports Commission” throughout the section.

Legislative history of Law 10-152. — See note to § 2-4001.

Legislative history of Law 12-115. — See note to § 2-4001.

§ 2-4010. Financial affairs.

(a) For the purposes of this section, the term “Sports and Entertainment Commission Funds” means all monies managed and all funds established pursuant to § 2-4009.

(b) All monies of the Sports and Entertainment Commission, except as otherwise authorized in this chapter, shall be deposited as soon as practicable into one or more separate accounts in financial institutions regulated or insured by a federal or District agency. Monies in these accounts shall be paid out on checks signed by the Executive Director or other authorized officers or employees of the Sports and Entertainment Commission, as approved by the Board.

(c)(1) In connection with the exercise of its powers under this chapter, the Sports and Entertainment Commission may receive gifts, grants, appropriations, loans, bond proceeds, or other funds, property or other assets, or any other type of financial assistance from any federal, District, private, or other source and may utilize such funds as determined by rules issued by the Board. Such rules shall also govern the establishment of, administration of, and expenditure from, reserve funds. The source of such funds and the use thereof shall be a part of the annual reporting requirement of § 2-4019.

(2) Notwithstanding the provisions of this section, the Sports and Entertainment Commission shall have power to contract with the holders of its bonds as to the custody, collection, security, investment, and payment of any monies of the Sports and Entertainment Commission and of any monies held in trust or otherwise for the payment of bonds. Monies held in trust pursuant to a contract with holders of bonds may be secured in the same manner as monies of the Sports and Entertainment Commission.

(3) The Sports and Entertainment Commission may set up one or more nonprofit subsidiaries or utilize other nonprofit organizations to perform some of the functions of this chapter.

(4) Notwithstanding any other provision of District law and subject to agreements with holders of Sports and Entertainment Commission bonds, the Executive Director shall manage the Sports and Entertainment Commission's funds, and may invest funds not required for immediate disbursement in a manner the Executive Director determines prudent and in accordance with this chapter.

(5) The Sports and Entertainment Commission shall adhere to District law governing investment of funds in financial institutions.

(6) All debts and obligations of the Armory Board associated with the construction, operation, and maintenance of Robert F. Kennedy Stadium and its motor vehicle parking areas shall become the debts and obligations of the Sports and Entertainment Commission. (Aug. 23, 1994, D.C. Law 10-152, § 11, 41 DCR 4636; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957.)

Section references. — This section is referred to in §§ 2-4004 and 2-4012.

Effect of amendments. — D.C. Law 12-115 substituted "Sports and Entertainment Commission" for "Sports Commission" throughout the section.

Legislative history of Law 10-152. — See note to § 2-4001.

Legislative history of Law 12-115. — See note to § 2-4001.

Limit on amount of borrowing financed by Arena Tax. — Section 4 of D.C. Law 11-86

provided for a temporary limit on the amount of borrowing to be financed by the Arena Tax for the purpose of Arena development and construction costs, including, but not limited to, land acquisition, construction, predevelopment off-site infrastructure, and financing for capital interest and principal.

Section 6(b) of D.C. Law 11-86 provided that the act shall expire after 225 days of its having taken effect.

§ 2-4011. Delegation of bond and note issuance authority.

The Council hereby delegates to the Sports and Entertainment Commission the power of the Council under § 47-334 to issue revenue bonds, notes, and other obligations to borrow money to finance, refinance, or assist in the financing or refinancing of undertakings in the area of recreational facilities. (Aug. 23, 1994, D.C. Law 10-152, § 12, 41 DCR 4636; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957.)

Effect of amendments. — D.C. Law 12-115 substituted "Sports and Entertainment Commission" for "Sports Commission."

Legislative history of Law 10-152. — See note to § 2-4001.

Legislative history of Law 12-115. — See note to § 2-4001.

§ 2-4012. Bonds; issuance; terms.

(a) The Sports and Entertainment Commission hereby is authorized from time to time to issue its bonds, notes, or other obligations in such principal amounts as, in the opinion of a two-thirds majority of the Board which majority must include the Chief Financial Officer, shall be necessary to provide sufficient funds for any of its purposes, including:

(1) To acquire, develop, construct, expand, or rehabilitate existing or new facilities to be (in whole or in part) owned, leased, financed, operated, or maintained by the Sports and Entertainment Commission;

(2) To pay the principal of, or interest or redemption premiums on, any bonds issued by it, whether the bonds or interest to be funded or refunded have or have not become due;

(3) To establish or increase any reserve funds to secure or to pay such bonds or interest thereon; and

(4) To pay all other costs or expenses of the Sports and Entertainment Commission incident to the issuance of such bonds.

(b) Notwithstanding any other provision of law, including § 47-334(c), the Sports and Entertainment Commission shall have the power and hereby is authorized to pledge tax revenue dedicated by the Council to, or derived from activities taking place in, facilities to the payment of the principal of, interest or redemption premium on, any bonds issued by the Sports and Entertainment Commission.

(c)(1) As of August 23, 1994, any and all dedicated taxes collected by the Mayor as an agent for the Sports and Entertainment Commission shall be transferred to the Sports and Entertainment Commission Fund on a monthly basis for the payment of Sports and Entertainment Commission bonds. The Mayor shall act as an agent for the Sports and Entertainment Commission for purposes of collection and transfer of the revenues for deposit in the Sports and Entertainment Commission Fund.

(2) No revenues collected on behalf of the Sports and Entertainment Commission and transferred to or deposited in the Sports and Entertainment Commission Fund shall be commingled with any funds of the District.

(3) If, at the end of a fiscal year, tax revenues transferred to the Sports and Entertainment Commission Fund are not required to pay preconstruction costs for the arena and debt service and debt service reserves on Sports and Entertainment Commission bonds and capital replacement reserves, the excess shall be transferred, in cash, to the General Fund of the District.

(d) Except as authorized in § 2-4010, the principal and interest of Sports and Entertainment Commission bonds shall be payable solely from the property or revenues of the Sports and Entertainment Commission from whatever source derived, including, without limitation:

(1) Rents, rates, fees, charges, or other revenues payable to or any receipts of the Sports and Entertainment Commission, including amounts which are deposited pursuant to this chapter with a trustee for bondholders;

(2) Payments by financial institutions, insurance companies, or others pursuant to letters of credit, lines of credit, policies of insurance, or purchase agreements;

(3) Investment earnings from funds or accounts maintained pursuant to a Board resolution or trust agreement;

(4) A pledge of any grant, subsidy, or contribution from the United States of America or any agency or instrumentality thereof, or the District, or any person, firm, or corporation; and

(5) Proceeds of refunding bonds.

(e) Bonds may be authorized by a resolution of the Sports and Entertainment Commission under the provisions of this chapter without obtaining the consent of any department, division, commission, board, bureau, or agency of the District, and without any other proceedings or conditions not required by this chapter. Such resolution shall name the Chief Financial Officer of the District as the authorized delegate to execute all documents related to such bond financings or refinancings.

(f) The issuance and performance of bonds, notes, and other obligations by the Sports and Entertainment Commission as contemplated in this chapter and the adoption of resolutions authorizing such bonds, notes, and other obligations shall be done in compliance with the requirements of this chapter, but shall not be subject to Chapter 15 of Title 1. No notice (except as provided in this section), proceeding, consent, or approval shall be required for the issuance or performance of any bonds, note, or other obligation, of the Sports and Entertainment Commission or the execution of any instrument relating thereto or to the security therefore, except as provided in this chapter or in rules and regulations promulgated by the Sports and Entertainment Commission. Notice of the adoption of a bond resolution shall be given to the Mayor and the Council.

(g) The Sports and Entertainment Commission may stipulate by resolution the terms for sale of its bonds and notes in accordance with this chapter, including the following:

(1) The date a note or bond bears;

(2) The date a bond or note matures; provided, that notes shall not mature later than 10 years from the date of original issuance and bonds shall not mature later than 50 years from the date of original issuance;

(3) Whether bonds are issued as serial bonds, as term bonds, or a combination of the two;

(4) The denomination;

(5) Any interest rate or rates, or variable rate or rates changing from time to time, or premium or discount applicable;

(6) The registration privileges;

(7) The medium and method for payment; and

(8) The terms of redemption. (Aug. 23, 1994, D.C. Law 10-152, § 13, 41 DCR 4636; Sept. 28, 1994, D.C. Law 10-188, § 601(d), 41 DCR 5333; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957.)

Effect of amendments. — D.C. Law 10-188 rewrote (c).

D.C. Law 12-115 substituted "Sports and Entertainment Commission" for "Sports Commission" throughout the section.

Legislative history of Law 10-152. — See note to § 2-4001.

Legislative history of Law 10-188. — See note to § 2-4004.

Legislative history of Law 12-115. — See note to § 2-4001.

Construction of Law 10-152. — See note to § 2-4001.

§ 2-4013. Public or private bond sale.

(a) The Sports and Entertainment Commission may sell its bonds at public or private sale and may determine the price for sale.

(b) A resolution authorizing the sale of bonds or notes may contain any of the following provisions listed below, in which case the provisions shall be a part of the contract with holders of the bonds or notes:

(1) The custody, security, expenditure or application of proceeds of the sale of bonds or notes of the Sports and Entertainment Commission (hereinafter "proceeds"), a pledge of the proceeds to secure payment, and the rank or priority of the pledge, subject to preexisting agreements with holders of bonds, or notes;

(2) A pledge of Sports and Entertainment Commission revenues to secure payment and the rank or priority of the pledge, subject to preexisting agreements with holders of bonds or notes;

(3) A pledge of assets of the Sports and Entertainment Commission, including mortgages and obligations securing mortgages, the secure payment, and the rank or priority of the pledge, subject to preexisting agreements with holders of bonds or notes;

(4) The setting aside of debt service reserves, capitalized interest accounts, replacement or operating reserves, cost of issuance accounts and sinking funds, and the regulation, investment, and disposition thereof;

(5) Use of gross income from any mortgages owned by the Sports and Entertainment Commission and payment of principal of mortgages owned by the Sports and Entertainment Commission;

(6) Use of reserves or sinking funds;

(7) Use of proceeds from the sale of bonds or notes and a pledge of proceeds to secure payment;

(8) Limitations on issuance of additional bonds or notes, including terms of issuance and security, the terms upon which additional bonds may rank on a parity with, or be subordinate or superior to, other bonds, and the refunding of outstanding or other bonds or notes;

(9) Procedure for amendment or abrogation of a contract with holders of bonds or notes, the amount of bonds or notes, the holders of which must consent to the amendment, and the manner in which consent may be given;

(10) Vesting in a trustee property, power and duties, which may include the power and duties of a trustee appointed by holders of bonds or notes under this chapter;

(11) Limitation or abrogation of the right of holders of bonds or notes to appoint a trustee under this chapter;

(12) Defining the nature of default in the obligations of the Sports and Entertainment Commission to the holders of bonds or notes and providing the rights and remedies of holders in the event of default, including the right to appointment of a receiver, in accordance with the general laws of the District and this chapter;

(13) Providing for guarantees, pledges of property, letters of credit, or other security, or insurance for the benefit of bondholders; and

(14) Any other provisions of like or different character which affect the security of holders of bonds or notes.

(c) A pledge of the Sports and Entertainment Commission is binding from the time it is made. Any funds or property pledged are subject to the lien of a pledge without physical delivery. The lien of a pledge is binding as against parties having any tort, contract, or other claim against the Sports and Entertainment Commission regardless of notice. Neither the resolution nor any other instrument creating a pledge need be recorded.

(d) The signature of any officer of the Sports and Entertainment Commission which appears on a bond or note remains valid if that person ceases to hold that office.

(e) Sports and Entertainment Commission bonds are payable in lawful money of the United States at a designated place in the District.

(f) Sports and Entertainment Commission bonds may be secured by a trust agreement between the Sports and Entertainment Commission and a corporate trustee having the powers within the District. Any resolution or trust agreement may contain provisions which shall be a part of the contract with the bondholders.

(g) Subject to preexisting agreements with the holders of bonds or notes, the Sports and Entertainment Commission may purchase its own bonds or notes which may be canceled. The price cannot exceed the following limits:

(1) If the bonds or notes are redeemable, the price cannot exceed the redemption price then applicable plus accrued interest to the next interest payment; or

(2) If the bonds or notes are not redeemable, the price cannot exceed the redemption price then applicable on the first date after the purchase upon which the bonds or notes become subject to redemption plus accrued interest to that date.

(h) No member of the Sports and Entertainment Commission nor any person executing the bonds shall be liable personally on the bonds or subject to any personal liability by reason of the issuance of bonds.

(i) The Sports and Entertainment Commission may enter into agreements with agents, banks, insurers, or others for the purpose of enhancing the marketability of, or security for, its bonds.

(j) Sports and Entertainment Commission bonds are legal investments in which public officers and public bodies of the District, insurance companies and associations and other persons carrying on an insurance business, banks, bankers, banking institutions including savings and loan associations, investment companies and other persons carrying on a banking business, administrators, guardians, executors, trustees, and other fiduciaries, and other persons authorized to invest in bonds or in other obligations of the District, may legally invest funds, including capital, in their control. The bonds are also securities which legally may be deposited with, and received by, public officers and public bodies of the District or any agency of the District for any purpose for which the deposit of bonds or other obligations of the District is authorized by law.

(1) A pledge by the Sports and Entertainment Commission of revenues and receipts as security for an issue of bonds shall be valid and binding from the time such pledge is made.

(2) The revenues and receipts pledged shall immediately be subject to the lien of the pledge without any physical delivery or further act, and the lien of

any pledge shall be valid and binding against any person having any claim of any kind in tort, contract, or otherwise against the Sports and Entertainment Commission, irrespective of whether the person has notice.

(3) No resolution, trust agreement, management agreement, financing statement, continuation statement, or other instrument adopted or entered into by the Sports and Entertainment Commission need be filed or recorded in any public record other than the records of the Sports and Entertainment Commission in order to perfect the lien against third persons, regardless of any contrary provision of law.

(k) The Sports and Entertainment Commission may issue bonds to refund, advance refund, or refinance any of its bonds then outstanding, including the payment of any redemption premium and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase, or maturity of the bonds. Refunding or advance refunding bonds may be issued for purposes of realizing savings in the effective costs of debt service, directly or through a debt restructuring, for alleviating impending or actual default, or for paying the principal of, redemption premium, if any, and interest on bonds as they mature or are subject to redemption, and may be issued in one or more series in an amount in excess of that of the bonds to be refunded.

(l) Bonds which are being paid or retired by issuance, sale, or delivery of bonds and bonds for which sufficient funds or securities have been deposited with the paying agent or trustee to provide for payment at maturity or earlier redemption of principal and interest thereon, and any redemption premium, as provided in the authorizing resolution, shall not be considered outstanding for the purposes of this section.

(m) Sports and Entertainment Commission bonds shall not constitute an indebtedness of the District, a general obligation of the District, or a pledge of the full faith and credit of the District and shall not be secured by a pledge of Robert F. Kennedy Stadium or the ground lease therefore. Holders of Sports and Entertainment Commission bonds may not require the levy or imposition by the District of any taxes or, except as provided in this chapter or another District law, the application of any District revenues or funds to the payment of Sports and Entertainment Commission bonds. All bonds issued by the Sports and Entertainment Commission shall contain on their face a statement setting forth the above qualifications.

(n) The District pledges to the Sports and Entertainment Commission that the District will not limit or alter rights vested in the Sports and Entertainment Commission to fulfill agreements made with holders of the bonds, or in any way impair the rights and remedies of the holders of the bonds until the bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. The District pledges to the Sports and Entertainment Commission that the District will not limit or alter the basis on which District funds are to be allocated, deposited, and paid to the Sports and Entertainment Commission as provided in this chapter, or the use of such funds, so as to impair the terms of any agreement with bondholders. The Sports and Entertainment Commission is authorized to include these pledges of the District in any agreement with the holders of bonds or notes issued pursuant to this section.

(o) Regardless of their form or character, Sports and Entertainment Commission bonds are negotiable instruments for all purposes of Subtitle I of Title 28, subject only to the provisions of the bonds for registration.

(p) The bonds may be sold at not less than par value. If the proceeds of the bonds exceed the issue price, the excess shall be placed in a fund created for the payment of the principal and interest of the bonds. Prior to the issuance of bond certificates, the Sports and Entertainment Commission may issue temporary bonds or interim certificates without coupons, of any denomination whatsoever, exchangeable for bond certificates when such bond certificates are available for delivery.

(q) Notwithstanding the provisions of this section, the Sports and Entertainment Commission shall not undertake any financing action or activity which, in the sole discretion of the Chief Financial Officer of the District, would have an adverse effect on the financial position or creditworthiness of the District.

(r)(1) On a date to be set by the Mayor, the Sports and Entertainment Commission shall submit to the Mayor a budget, which shall be included in the annual or supplemental budget transmitted by the Mayor to the Council pursuant to § 47-301, covering all anticipated revenue, transfers, expenses, and capital outlays of the Sports and Entertainment Commission.

(2) Unless specifically exempted from the requirements of § 47-305, no amount may be obligated or expended by the Sports and Entertainment Commission unless the amount has been approved in accordance with § 47-305.

(s) The Sports and Entertainment Commission shall periodically submit to the Council information as to any outstanding revenue bonds, indebtedness, and the nature of the indebtedness. (Aug. 23, 1994, D.C. Law 10-152, § 14, 41 DCR 4636; Sept. 28, 1994, D.C. Law 10-188, § 601(e), 41 DCR 5333; Apr. 18, 1996, D.C. Law 11-110, § 8, 43 DCR 530; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957.)

Effect of amendments. — D.C. Law 10-188 rewrote (n); and added (r)(2).

D.C. Law 11-110 validated previously made corrections in (b)(2) and (q).

D.C. Law 12-115 substituted "Sports and Entertainment Commission" for "Sports Commission" throughout the section.

Legislative history of Law 10-152. — See note to § 2-4001.

Legislative history of Law 10-188. — See note to § 2-4004.

Legislative history of Law 11-110. — Law 11-110, the "Technical Amendments Act of 1996," was introduced in Council and assigned

Bill No. 11-485, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 5, 1995, and January 4, 1996, respectively. Signed by the Mayor on January 26, 1996, it was assigned Act No. 11-199 and transmitted to both Houses of Congress for its review. D.C. Law 11-110 became effective on April 18, 1996.

Legislative history of Law 12-115. — See note to § 2-4001.

References in text. — Subtitle I of Title 28, referred to in (o), is the Uniform Commercial Code.

§ 2-4014. Tax exemption.

(a) The properties of the Sports and Entertainment Commission, both real and personal, are declared to be public properties used for the benefit and welfare of the citizens of the District, and not for purposes of private or corporate benefit and income. Such properties and the Sports and Entertain-

ment Commission shall be exempt from all taxes and special assessments now or hereafter imposed by the District.

(b) Bonds issued by the Sports and Entertainment Commission, their transfer, and the interest thereon are exempt from all District taxation except estate, inheritance, and gift taxes. (Aug. 23, 1994, D.C. Law 10-152, § 15, 41 DCR 4636; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957.)

Effect of amendments. — D.C. Law 12-115 substituted “Sports and Entertainment Commission” for “Sports Commission” throughout the section.

Legislative history of Law 10-152. — See note to § 2-4001.

Legislative history of Law 12-115. — See note to § 2-4001.

§ 2-4015. Conflicting relationships or interests.

(a) No members or employees of the Sports and Entertainment Commission shall be employed by, be an officer or director of, or have any ownership interest in, any corporation or entity which is a party to any agreement with the Sports and Entertainment Commission under this chapter. No monies of the Sports and Entertainment Commission shall be deposited in any financial institution in which a member or employee of the Sports and Entertainment Commission is an officer, director or holder of a substantial proprietary interest. No real estate to which a member or employee of the Sports and Entertainment Commission holds legal title or in which such person had any beneficial interest, including any interest in a land trust, shall be purchased by the Sports and Entertainment Commission or by a corporation or entity for a facility to be financed under this chapter. All members and employees of the Sports and Entertainment Commission shall file annually with the Sports and Entertainment Commission a record of all real estate in the District to which such person holds legal title or in which such person has any beneficial interest, including any interest in a land trust. In the event it is later disclosed that the Sports and Entertainment Commission has purchased real estate in which a member or employee had an interest, such purchase shall be voidable by the Sports and Entertainment Commission and the member or employee involved shall be disqualified from membership in or employment by the Sports and Entertainment Commission.

(b) No member or employee of the Sports and Entertainment Commission shall in his or her own name or in the name of a nominee, be an officer, director, or hold an ownership interest in any person, association, trust, corporation, partnership, or other entity which is, in its own name or the name of a nominee, a party to a contract or agreement upon which the member, officer, agent, or employee may be called to act or vote.

(c) With respect to any direct or indirect interest, other than an interest prohibited in subsection (b) of this section, in a contract or agreement upon which the member, officer, agent, or employee may be called upon to act or vote, a member of the Sports and Entertainment Commission or officer, agent, or employee hereof shall disclose the same to the Secretary and such disclosure shall be in the minutes of the meeting of the Sports and Entertainment Commission prior to the taking of final action by the Sports and Entertainment Commission concerning such contract or agreement and shall so disclose the nature and extent of such interest and his or her acquisition thereof, which disclosures shall be publicly acknowledged by the Sports and Entertainment

Commission and entered upon the minutes of the Sports and Entertainment Commission. If a member or employee of the Sports and Entertainment Commission holds such an interest, then he or she shall refrain from any further official involvement in regard to such contract or agreement, from voting on any matter pertaining to such contract or agreement and from communicating with other members of the Sports and Entertainment Commission or its officers, agents, and employees concerning such contract or agreement. Notwithstanding any other provision of law, any contract or agreement entered into in conformity with this subsection shall not be void or invalid by reason of the interest described in this subsection, nor shall any person so disclosing the interest and refraining from further official involvement as provided in this subsection be guilty of an offense, be removed from office, or be subject to any other penalty on account of such interest.

(d) Any contract or agreement made in violation of subsection (b) or (c) of this section shall be null and void and give rise to no action against the Sports and Entertainment Commission. (Aug. 23, 1994, D.C. Law 10-152, § 16, 41 DCR 4636; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957.)

Section references. — This section is referred to in § 2-4004.

Effect of amendments. — D.C. Law 12-115 substituted “Sports and Entertainment Commission” for “Sports Commission” throughout the section.

Temporary amendment of section. — Section 2 of D.C. Law 11-141 amended this section to read as follows:

“(a) Any member or employee of the Sports Commission who, in the discharge of his or her official duties, would be required to take action or make a decision that would affect directly or indirectly his or her financial interest, as used in § 1-1461(b), or the financial interest of a member of his or her household or a business with which he or she is associated, or must take an official action on a matter as to which he or she has a conflict situation created by a personal, family, or client interest, shall disclose the same, in writing, to the Secretary to the Board, or shall submit a statement for the record at the appropriate meeting of the Board. The chairperson of the Board shall excuse such member or employee from voting, negotiating, discussing, deliberating, or taking, other action on the matter, if the member or employee requests to be excused.

“(b) If a member or employee of the Sports Commission discloses a potential conflict of interest which the member or employee determines does not prohibit him or her from taking official action pursuant to § 1-1461(b), the member or employee may participate in the vote, negotiation, discussion, deliberation, or other action on the matter; however, such disclosure shall be made whenever the member or employee participates in any vote, deliberation,

discussion, or other action on the matter. If the member or employee’s participation would be prohibited by § 1-1461(b), the member or employee shall not participate in any vote, negotiation, discussion, deliberation, or other action on the matter.

“(c) Any contract or agreement made in violation of this section shall be null and void and give rise to no action against the Sports Commission.

“(d) Any information disclosed under this section shall be entered upon the minutes of the Sports Commission.”

Section 4(b) of D.C. Law 11-141 provides that the act shall expire after 225 days of its having taken effect or on the effective date of the Sports Commission Amendment Act of 1996, whichever occurs first.

Emergency act amendments. — For temporary amendment of section, see § 2 of the Sports Commission Emergency Amendment Act of 1996 (D.C. Act 11-226, March 15, 1996, 43 DCR 1534).

Legislative history of Law 10-152. — See note to § 2-4001.

Legislative history of Law 11-141. — Law 11-141, the “Sports Commission Conflict of Interest Temporary Amendment Act of 1996,” was introduced in Council and Assigned Bill No. 11-597. The Bill was adopted on first and second readings on March 5, 1996, and April 2, 1996, respectively. Signed by the Mayor on April 15, 1996, it was assigned Act No. 11-254 and transmitted to both Houses of Congress for its review. D. C. Law 11-141 became effective on June 13, 1996.

Legislative history of Law 12-115. — See note to § 2-4001.

§ 2-4016. Local, small, and disadvantaged business program.

In contracting with developers or construction managers, the Sports and Entertainment Commission shall require that all developer and construction-manager contracts comply with subchapter II of Chapter 11 of Title 1, and all successor acts thereto. (Aug. 23, 1994, D.C. Law 10-152, § 17, 41 DCR 4636; Sept. 28, 1994, D.C. Law 10-188, § 601(f), 41 DCR 5333; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957.)

Effect of amendments. — D.C. Law 10-188 rewrote this section.

D.C. Law 12-115 substituted "Sports and Entertainment Commission" for "Sports Commission."

Legislative history of Law 10-152. — See note to § 2-4001.

Legislative history of Law 10-188. — See note to § 2-4004.

Legislative history of Law 12-115. — See note to § 2-4001.

Construction of Law 10-152. — See note to § 2-4001.

§ 2-4017. Employees of the Sports and Entertainment Commission.

Personnel hired by the Sports and Entertainment Commission, except employees of the Armory Board hired prior to August 23, 1994, are not employees of the District and shall be exempted from coverage under Chapter 6 of Title 1. The Sports and Entertainment Commission shall develop its own personnel rules. (Aug. 23, 1994, D.C. Law 10-152, § 18, 41 DCR 4636; Mar. 23, 1995, D.C. Law 10-246, § 8(g), 42 DCR 452; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957.)

Effect of amendments. — D.C. Law 10-246 inserted "except employees of the Armory board hired prior to August 23, 1994" in the first sentence.

D.C. Law 12-115 substituted "Sports and Entertainment Commission" for "Sports Commission" twice.

Emergency act amendments. — For temporary amendment of section, see § 8 (g) of the

Recreation Emergency Act of 1995 (D.C. Act 11-20, February 28, 1995, 42 DCR 1175).

Legislative history of Law 10-152. — See note to § 2-4001.

Legislative history of Law 10-246. — See note to § 2-4002.

Legislative history of Law 12-115. — See note to § 2-4001.

§ 2-4018. Assumption of nonmilitary functions of Armory Board; construction; effect of dissolution of Sports and Entertainment Commission.

(a) The Sports and Entertainment Commission shall assume all nonmilitary functions of the Armory Board as are set forth in § 2-306.

(b) All references to the Armory Board in subchapter II of Chapter 3 of Title 2 are hereinafter intended to be references to the Sports and Entertainment Commission unless the clear meaning requires otherwise.

(c) The provisions of this chapter are to be liberally construed so as to effectuate those powers which are specifically enumerated.

(d) If the Sports and Entertainment Commission is dissolved by repeal of this chapter, or ceases to exist for any reason, all of its assets (including, but not limited to, cash, accounts receivable, reserve funds, real or personal property and contract and other rights) shall automatically be assigned to and

become the property of the District. (Aug. 23, 1994, D.C. Law 10-152, § 19, 41 DCR 4636; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957.)

Effect of amendments. — D.C. Law 12-115 substituted “Sports and Entertainment Commission” for “Sports Commission” throughout the section.

Temporary amendment of section. — Section 2 of D.C. Law 10-206 amended this section by adding (e) and (f) to read as follows:

“(e) Until the members of the Sports Commission established in § 2-4003 are appointed and convene their first meeting, the members of the Armory Board established by § 2-302 shall continue to exercise the nonmilitary functions of the Armory Board and the authority of the Sports Commission consistent with this act.

“(f) All actions of the Armory Board taken after August 23, 1994, which are consistent with the Armory Board’s nonmilitary functions and authority and with the authority of the Sports Commission, are ratified.”

Section 3(b) of D.C. Law 10-206 provided that the act shall expire on the 225th day of its having taken effect.

Emergency act amendments. — For temporary amendment of D.C. Law 10-152, authorizing the Armory Board to exercise its nonmilitary functions and authority on an interim basis, see § 2 of the Armory Board Interim Authority Emergency Amendment Act of 1994 (D.C. Act 10-325, October 14, 1994, 41 DCR 7027) and § 2 of the Armory Board Interim Authority Congressional Adjournment Emergency Amendment Act of 1995 (D.C. Act 11-5, January 19, 1995, 42 DCR 545).

Legislative history of Law 10-152. — See note to § 2-4001.

Legislative history of Law 12-115. — See note to § 2-4001.

References in text. — Section 2-306, referred to in subsection (a), was repealed by D.C. Law 10-152, § 21(c), as added by D.C. Law 10-190. § 8 (h), effective Aug. 23, 1994

§ 2-4019. Annual report.

The Sports and Entertainment Commission shall file with the Mayor and the Council each year a financial statement relating to the activities and business of the Sports and Entertainment Commission during the preceding fiscal year certified as to accuracy by an independent auditor. (Aug. 23, 1994, D.C. Law 10-152, § 20, 41 DCR 4636; June 6, 1998, D.C. Law 12-115, § 2, 45 DCR 1957.)

Effect of amendments. — D.C. Law 12-115 substituted “Sports and Entertainment Commission” for “Sports Commission” twice.

Legislative history of Law 10-152. — See note to § 2-4001.

Legislative history of Law 12-115. — See note to § 2-4001.

CHAPTER 41. BUSINESS REGULATORY REFORM COMMISSION.

Sec.	Sec.
2-4101. Business Regulatory Reform Commission.	2-4102. Duties of the Commission; recommended legislation.

§ 2-4101. Business Regulatory Reform Commission.

There is established a Business Regulatory Reform Commission (“Commission”) in the District which shall consist of 19 voting members as follows:

(1) There shall be 7 ex officio members, who each may designate from time to time a representative to perform the member’s responsibilities under this chapter, as follows:

- (A) The Mayor of the District of Columbia;
- (B) The Corporation Counsel of the District of Columbia;

(C) The Director of the Department of Consumer and Regulatory Affairs;

(D) The Administrator of the Business Regulation Administration of the Department of Consumer and Regulatory Affairs;

(E) The Administrator of the Building and Land Regulation Administration of the Department of Consumer and Regulatory Affairs;

(F) The Chairman of the Council of the District of Columbia ("Council"); and

(G) The Chairperson of the Council's Committee on Consumer and Regulatory Affairs.

(2) There shall be 12 public members, including the chairperson of the Commission, each of whom shall be appointed by the Mayor with the advice and consent of the Council. The public members shall be nominated as follows:

(A) One member shall be nominated from a list of persons recommended by the District of Columbia Chamber of Commerce, each of whom shall be a District resident or a nonresident who represents a business, occupation, or profession regulated in the District;

(B) One member shall be nominated from a list of persons recommended by the Greater Washington Board of Trade, each of whom shall be a District resident or a nonresident who represents a business, occupation, or profession regulated in the District;

(C) One member shall be nominated from a list of persons recommended by the District of Columbia Building Industry Association, each of whom shall be a resident or a nonresident who represents a business, occupation, or profession regulated in the District;

(D) One member shall be nominated from a list of persons recommended by the Apartment and Office Building Association of Metropolitan Washington, each of whom shall be a District resident or a nonresident who represents a business, occupation, or profession regulated in the District;

(E) One member shall be nominated from a list of persons recommended by the Washington Chapter of the American Institute of Architects, each of whom shall be a District resident or a nonresident who represents a business, occupation, or profession regulated in the District;

(F) One member shall be nominated from a list of persons recommended by the Washington, D.C., Association of Realtors, each of whom shall be a District resident or a nonresident who represents a business, occupation, or profession regulated in the District;

(G) One member shall be nominated from a list of persons recommended by the Board of Governors of the District of Columbia Bar, each of whom shall be a District resident or a nonresident who has demonstrated interest or expertise in businesses, occupations, or professions regulated in the District; and

(H) Five members shall be nominated by the Mayor, who shall be District residents and representative, to the greatest degree possible, of the demographic diversity of the District, and each of whom shall not be an official representative of any business, profession, or occupation regulated in the District.

(3) Members of the Commission shall be nominated by the Mayor within 45 days of March 16, 1995. A vacancy on the Commission shall be filled in the same manner that the original appointment was made.

(4) The Commission shall meet at the call of the chairperson, who shall convene the first meeting of the Commission not later than 15 days after all appointments have been made, and who shall require the Commission to meet not less often than once each month.

(5) A majority of the members of the Commission shall constitute a quorum. An audio or written transcript or transcription shall be kept for all meetings at which a vote is taken.

(6) Members of the Commission shall not be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties and shall not be compensated for time expended in the performance of official duties.

(7) The Commission may request from any department, agency, or instrumentality of the District government, including independent agencies, any information necessary to carry out the provisions of this chapter. Each department, agency, instrumentality, or independent agency of the District shall cooperate with the Commission and provide any information, in a timely manner, that the Commission requests to carry out the provisions of this chapter.

(8) The Mayor shall provide administrative and technical support, office space, staff, and other resources needed by the Commission to carry out the provisions of this chapter.

(9) In addition to funds appropriated or allocated by the District government, the Commission may solicit, receive, accept, and expend contributions or grants from private or federal sources to carry out the provisions of this chapter. Any Commission solicitation, receipt, acceptance, or expenditure of contributions or grants from private sources must be approved by the Mayor before it occurs.

(10) The Commission may enter into contracts, for which sufficient appropriations or other public or private funding is available and provided, with federal or state agencies, private firms, institutions, or individuals to conduct research or surveys, prepare reports, and perform other activities necessary to the discharge of its duties.

(11) The Commission may establish such advisory groups, committees, or subcommittees, consisting of members or nonmembers, as it deems necessary to carry out the purposes of this chapter.

(12) The Commission shall cease to exist 60 days after the report required by § 2-4102 is submitted to the Mayor and the Council. (Mar. 16, 1995, D.C. Law 10-212, § 2, 41 DCR 8029; Apr. 9, 1997, D.C. Law 11-255, § 7, 44 DCR 1271.)

Effect of amendments. — D.C. Law 11-255 validated a previously made stylistic change in (2)(H).

Legislative history of Law 10-212. — Law 10-212, the "Business Regulatory Reform Commission Act of 1994," was introduced in Council and assigned Bill No. 10-481, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 15, 1994, it was as-

signed Act No. 10-349 and transmitted to both Houses of Congress for its review. D.C. Law 10-212 became effective on March 16, 1995.

Legislative history of Law 11-255. — Law 11-255, the "Second Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-905, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-519 and transmitted to

both Houses of Congress for its review. D.C. Law 11-255 became effective on April 9, 1997.

§ 2-4102. Duties of the Commission; recommended legislation.

(a) Within one year from the date of the first meeting of its members, the Commission shall submit a written report to the Mayor and the Council which includes the following information:

(1) An identification of statutes and regulations in the District of Columbia that are obsolete, inconsistent, or duplicative, with particular focus upon laws administered by the Department of Consumer and Regulatory Affairs which govern the permitting or licensing of building and land uses, businesses, occupations, and professions;

(2) Recommendations, including proposed legislation, to eliminate or modify the obsolete, inconsistent, or duplicative statutes and regulations identified pursuant to paragraph (1) of this subsection;

(3) Recommendations, including proposed legislation, to assure timely disposition of permit and license applications, and objections to these applications; and

(4) Recommendations for administrative changes to improve the processing of permit and license applications, and objections to these applications, including, but not limited to, proposals to revitalize the one stop permit center and otherwise improve public accessibility to and interaction with the Department of Consumer and Regulatory Affairs; provided, that nothing in this chapter shall preclude the Mayor from implementing these administrative improvements during the pendency of the Commission's work.

(b) The Chairman of the Council, upon request of the Commission, shall introduce in the Council any proposed legislation which the Commission determines to be necessary to further the purposes set forth in this chapter. (Mar. 16, 1995, D.C. Law 10-212, § 3, 41 DCR 8029.)

Section references. — This section is referred to in § 2-4102.

Legislative history of Law 10-212. — See note to § 2-4101.

CHAPTER 42. ADVISORY COMMISSION ON SENTENCING.

Sec.
2-4201. Establishment of the Advisory Commission on Sentencing.
2-4202. Membership of the Commission.
2-4203. Meetings and hearings.
2-4204. Comprehensive study and reports.

Sec.
2-4205. Sentencing guidelines.
2-4206. Analysis of correctional impact.
2-4207. Budget and staffing.
2-4208. Cooperation from other agencies.

§ 2-4201. Establishment of the Advisory Commission on Sentencing.

(a) There is established the Advisory Commission on Sentencing ("Commission").

(b) The Commission shall perform the following duties:

(1) Review and analyze pertinent sentencing data and make recommendations to the Council, in the form of proposed legislation or otherwise, for the establishment of a fair and rational sentencing system which takes into account the requirements of subchapter II of Chapter 2 of Title 24;

(2) Ensure that, for all felonies, the sentence imposed on an offender shall:

(A) Reflect the seriousness of the offense and the criminal history of the offender;

(B) Provide for just punishment;

(C) Afford adequate deterrence to potential future criminal conduct of the offender and others;

(D) Provide the offender with needed educational or vocational training, medical care, and other correctional treatment; and

(E) Provide for use of intermediate sanctions in appropriate cases;

(3) Conduct an annual review of sentencing data, policies, and practices in the District of Columbia; and

(4) Make such other recommendations that may be appropriate to enhance the fairness and effectiveness of criminal sentencing policies and practices in the District of Columbia. (Oct. 16, 1998, D.C. Law 12-167, § 2, 45 DCR 5180.)

Legislative history of Law 12-167. — Law 12-167, the “Advisory Commission on Sentencing Establishment Act of 1998,” was introduced in Council and assigned Bill No. 12-550, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second read-

ings on June 2, 1998, and June 16, 1998, respectively. Signed by the Mayor on July 1, 1998, it was assigned Act No. 12-410 and transmitted to both Houses of Congress for its review. D.C. Law 12-167 became effective on October 16, 1998.

§ 2-4202. Membership of the Commission.

(a) The Commission shall consist of 13 voting members and 4 nonvoting members as follows:

(1) The voting members of the Commission shall consist of the following:

(A) Three judges of the Superior Court of the District of Columbia, appointed by the Chief Judge of the Superior Court;

(B) One member of the Council, appointed by the Chairman of the Council;

(C) The United States Attorney for the District of Columbia or his or her designee;

(D) The Director of the D.C. Public Defender Service or his or her designee;

(E) The Corporation Counsel for the District of Columbia or his or her designee;

(F) The Director of the District of Columbia Offender Supervision, Defender and Court Services Agency or his or her designee, or, until that agency is certified and assumes its duties, the Pretrial Services, Defense Services, Parole, Adult Probation and Offender Supervision Trustee or his or her designee;

(G) Two members of the District of Columbia Bar, one who specializes in the private practice of criminal defense in the District of Columbia, and one who does not specialize in the practice of criminal law, appointed by the Chief Judge of the Superior Court in consultation with the President of the District of Columbia Bar;

(H) A professional from an established organization devoted to research and analysis of sentencing issues and policies, appointed by the Chief Judge of the Superior Court of the District of Columbia; and

(I) Two citizens of the District of Columbia who are not attorneys, one of whom is nominated by the Mayor subject to confirmation by the Council, and the other who is appointed by the Council.

(2) The non-voting members of the Commission shall consist of the following:

(A) The Director of the District of Columbia Department of Corrections or his or her designee;

(B) The Chief of the Metropolitan Police Department or his or her designee;

(C) The Director of the United States Bureau of Prisons or his or her designee; and

(D) The Chairperson of the United States Parole Commission or his or her designee.

(b) Each member shall be appointed for a term of 3 years, and shall continue to serve during that time as long as the member remains eligible for the appointment. A member may be reappointed. A person appointed to fill a vacancy occurring prior to the expiration of a term shall serve for the remainder of the term or until a successor has been appointed. A member may be removed by the Mayor only for incompetence, neglect of duty, or misconduct.

(c) The voting members of the Commission shall elect a Chairperson.

(d) Members of the Commission shall serve without compensation, except that the citizen members of the Commission may be compensated at an amount not to exceed \$15.00 each day or part thereof for reasonable expenses incurred in the performance of their official duties. (Oct. 16, 1998, D.C. Law 12-167, § 3, 45 DCR 5180.)

Legislative history of Law 12-167. — See note to § 2-4201.

§ 2-4203. Meetings and hearings.

(a) The Commission shall meet as necessary to conduct its official business.

(b) A majority of the voting members shall constitute a quorum.

(c) The Commission may act by an affirmative vote of at least 7 of its voting members.

(d) The Commission may conduct public hearings, receive testimony, and call witnesses to assist the Commission in the exercise of its powers.

(e) The Chairperson is authorized to administer an oath or affirmation to each witness. (Oct. 16, 1998, D.C. Law 12-167, § 4, 45 DCR 5180.)

Legislative history of Law 12-167. — See note to § 2-4201.

§ 2-4204. Comprehensive study and reports.

(a) No later than September 30, 1999, the Commission shall submit to the Council a comprehensive study of criminal sentencing practices in the District of Columbia, including, but not limited to, a report on the length of sentences

imposed, the length of sentences served, the proportion of offenders released upon their first parole eligibility date, and an assessment of the impact on sentence length and sentencing disparities likely to result from implementation of the Truth in Sentencing Amendment Act of 1998, effective October 10, 1998 (D.C. Law 12-165; 45 DCR 2980).

(b) No later than April 5, 2000, the Commission shall submit to the Council its report containing its recommendations consistent with its purposes. The Commission's report shall include, but is not limited to, the following:

(1) A report on sentencing and release practices in the District of Columbia;

(2) A recommendation as to whether determinate sentencing should be extended to all felonies, or to additional criminal offenses under District of Columbia law beyond those specified in § 24-1212(h);

(3) A recommendation as to appropriate limits and conditions on terms of supervised release, including whether there should be a mechanism for changing the length of a term of supervised release after its imposition, and any considerations that should apply with respect to the ratio between a prison term of sentence and a supervised release term;

(4) A projection of the impact, if any, on the size of the District's correctional and supervised offender populations of the implementation of each measure proposed by the Commission;

(5) A recommendation regarding the appropriate length of life sentences for offenses under the determinate sentencing system;

(6) An assessment of the intermediate sanctions currently available in the District's criminal justice system;

(7) A recommendation for intermediate sanctions that should be made available in the District of Columbia's criminal justice system, including proposals for alternatives to incarceration for suitable offenders, the estimated cost of such programs, and recommendations for rules or principles to guide a judge's imposition of intermediate sanctions as part of a criminal sentence; and

(8) A recommendation as to whether multiple sentences should run concurrently or consecutively, and what guidance, if any, should be provided regarding the imposition of consecutive sentences.

(c) The Commission shall submit an annual report to the Council within 60 days of the end of each fiscal year summarizing the activities of the Commission and including such further recommendations to the Council as may be appropriate. (Oct. 16, 1998, D.C. Law 12-167, § 5, 45 DCR 5180.)

Legislative history of Law 12-167. — See note to § 2-4201.

§ 2-4205. Sentencing guidelines.

If the Commission recommends a system of sentencing guidelines as part of its report, any such recommendation shall:

(1) Specify whether and under what circumstances to impose a sentence of probation, a term of imprisonment, and a fine, and the amount or length of each;

(2) Provide for the application of intermediate sanctions in appropriate cases;

(3) Include provisions for such appeal rights from sentencing determinations as may be appropriate or constitutionally required. (Oct. 16, 1998, D.C. Law 12-167, § 6, 45 DCR 5180.)

Legislative history of Law 12-167. — See note to § 2-4201.

§ 2-4206. Analysis of correctional impact.

Any recommendations by the Commission for regulatory changes or legislative amendments relating to crime, sentencing, or correctional matters shall take into consideration existing correctional and supervisory resources, including the availability of intermediate sanctions, and shall be accompanied by an assessment of the impact, if any, on the size of the District's correctional and supervised offender population resulting from such change. The Commission shall not recommend such changes unless it has made an assessment that the costs of a recommended change would be commensurate with the benefits to criminal justice administration, without regard to the identity of the particular governmental body responsible for financing the correctional facilities or services at issue. (Oct. 16, 1998, D.C. Law 12-167, § 7, 45 DCR 5180.)

Legislative history of Law 12-167. — See note to § 2-4201.

§ 2-4207. Budget and staffing.

(a) There are authorized such funds as may be necessary to support the Commission.

(b) The Commission has the authority to hire staff and to obtain appropriate office space, equipment, materials, and services necessary to carry out its responsibilities.

(c) Any entitlement to compensation under this chapter for services rendered shall be dependent upon the availability of appropriated funds to pay such compensation. (Oct. 16, 1998, D.C. Law 12-167, § 8, 45 DCR 5180.)

Legislative history of Law 12-167. — See note to § 2-4201.

§ 2-4208. Cooperation from other agencies.

Agencies of the District of Columbia government shall cooperate in providing such information to the Commission as may be necessary to fulfill its statutory responsibilities. (Oct. 16, 1998, D.C. Law 12-167, § 9, 45 DCR 5180.)

Legislative history of Law 12-167. — See note to § 2-4201.

TITLE 3. PUBLIC CARE SYSTEMS.

CHAPTER 2. PUBLIC ASSISTANCE.

Subchapter I. Definitions.

Sec.

3-201.1. Definitions.

Subchapter II. Establishment of Programs; Administration of Chapter.

3-202.1. Public assistance categories established.

3-202.1a. Termination of General Public Assistance.

3-202.2. Administrative duties of Mayor.

3-202.3. Mayor authorized to delegate functions.

3-202.4. [Repealed].

3-202.5. Mayor to issue rules.

Subchapter IV. Old Age Assistance; Aid to the Blind; Aid to the Disabled; Medicaid Program Administration. [Repealed]

3-204.1 to 3-204.4. [Repealed].

3-204.5a. Extension of transitional Medicaid program.

3-204.6. [Repealed].

Subchapter V. Public Assistance Programs.

3-205.1. Eligibility for public assistance.

3-205.2. Residency requirement.

3-205.4. Relocation of recipients to another jurisdiction.

3-205.5. Definitions.

3-205.5a. General Assistance for Children program.

3-205.6 to 3-205.9. [Repealed].

3-205.10. TANF income eligibility standards.

3-205.11. AFDC need determination.

3-205.11a. Time limit for receipt of TANF benefits.

3-205.12, 3-205.13. [Repealed].

3-205.13a. Treatment of payment for costs of work participation.

3-205.14. [Repealed].

3-205.15. Standards for inclusion in TANF assistance unit.

3-205.16, 3-205.17. [Repealed].

3-205.18. Child's eligibility.

3-205.19. Application; assignment of rights for child support.

3-205.19a. Redetermination of eligibility.

3-205.19b. Job search and job readiness requirements for TANF applicants.

3-205.19c. Failure to comply with job search and job readiness requirements for TANF applicants.

3-205.19d. Work participation requirements for TANF recipients.

3-205.19e. Failure to comply with work requirements for TANF recipients.

Sec.

3-205.19f. Sanctions.

3-205.19g. Exemptions.

3-205.19h. Administration of job search, job readiness, work, and self-sufficiency activities.

3-205.19i. Nondiscrimination against TANF and POWER applicants and recipients.

3-205.19j. Health and safety standards for TANF and POWER recipients.

3-205.19k. Workers' compensation for TANF recipients.

3-205.19l. Nondisplacement by TANF recipients.

3-205.21. Eligibility standards for children of unemployed parents.

3-205.22. Availability of stepparent and deemed parent income.

3-205.23. Obligations of custodial relatives other than parents.

3-205.24. Eligibility requirements for aliens.

3-205.25. Eligibility determined prospectively.

3-205.30. Definitions.

3-205.31. Application for benefits required.

3-205.33. Treatment of lump-sum payments and settlements.

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3-205.36. Work incentive allowances disregarded.

3-205.37. Standard for income and resource determination.

3-205.40. Resources in kind.

3-205.42. Definitions relating to incapacity and disability.

3-205.42a. [Repealed].

3-205.43. Participation in labor dispute; pregnancy.

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3-205.49. Special living arrangements.

3-205.50. Costs of training and employment.

3-205.51. Denial of monthly benefits.

3-205.51a. Annual comparative review.

3-205.52. Determination of amount of public assistance payments for assistance unit; standards of assistance enumerated.

3-205.53. Nondisplacement by TANF recipients.

3-205.54. TANF assistance unit periodic report.

3-205.55. Nondisplacement by TANF recipients.

3-205.56. Nondisplacement by TANF recipients.

3-205.59. Nondisplacement by TANF recipients.

3-205.61. Definitions.

Sec.

- 3-205.62. [Repealed].
- 3-205.63. Eligibility for public assistance; home living requirement.
- 3-205.64. Failure to meet home living requirement; notice.
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- 3-205.67, 3-205.68. [Repealed].
- 3-205.69. Denial of assistance for fraudulent misrepresentation of residency.
- 3-205.70. Denial of assistance for fugitive felons and probation and parole violators.
- 3-205.71. Granting TANF benefits to drug felons.
- 3-205.72. POWER — Establishment; eligibility.
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- 3-205.77. POWER — Failure to participate in self-sufficiency activities.
- 3-205.78. POWER — Amount of assistance.
- 3-205.79. POWER — No creation of an entitlement.
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- 3-205.81. Diversion payments.
- 3-205.82. Provision of information concerning the Earned Income Credit.

Subchapter VI. Emergency Public Assistance.

- 3-206.1. [Repealed].
- 3-206.2. Crisis Assistance and Service Program.
- 3-206.3. Emergency Shelter Family Services Program.
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- 3-206.5. Emergency shelter allowances.

Subchapter VII. Complementary Program Relationships with Public Assistance Programs.

- 3-207.1 to 3-207.4. [Repealed].

Subchapter VIII. Award; Method of Payment.

- 3-208.1. Determination by Mayor; method of payment.
- 3-208.3. Underpayment corrections.
- 3-208.4. Amount of assistance payable.
- 3-208.5. Repayment by GPA recipient.

Subchapter IX. Investigation of Applicants; Issuance of Identification Card; Check Distribution.

- 3-209.1. Investigation of applicants; issuance of identification cards; distribution of checks.

Sec.

- 3-209.2, 3-209.3. [Repealed].
- 3-209.4. Confidentiality of information.

Subchapter X. Hearing Procedures.

- 3-210.2. Grounds; objectives of hearing process.
- 3-210.4. Notification of right to request hearing and method of making request.
- 3-210.10. Hearing procedure enumerated.
- 3-210.11. Findings, conclusions, and recommendations by hearing officer.
- 3-210.16. Class action permitted; correction or change in policy, construction, or interpretation.
- 3-210.18. Notice provisions § 3-205.54 applicable.
- 3-210.19. Assistance received during pendency of decision.

Subchapter XI. Miscellaneous Provisions Relating to Specific Payments.

- 3-211.1. Home repairs — Run-down premises.
- 3-211.2, 3-211.3. [Repealed].
- 3-211.6. [Repealed].

Subchapter XII. Payments to Incapacitated Individuals.

- 3-212.2. Protective or vendor payments on behalf of dependent children.
- 3-212.3. Protective payments on behalf of adult recipients.

Subchapter XIII. Actions for Support from Responsible Relatives.

- 3-213.2 to 3-213.4. [Repealed].

Subchapter XIV. District Claims of Support from Estates; Funeral Expenses.

- 3-214.2. [Repealed].
- 3-214.3. Funeral expenses — Payment permitted.
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Subchapter XVI. Record Keeping Requirements.

- 3-216.1. Mayor to prescribe regulations.

Subchapter XVII. Foster Care.

- 3-217.1. Requirements for benefits.
- 3-217.5. Determination of need.
- 3-217.6. [Repealed].
- 3-217.7. Condition of eligibility — Social Security number; assignment of support rights.
- 3-217.8. Same — Cooperation in identifying and locating parents, establishing paternity, obtaining support payments, and other payments.
- 3-217.9. Nondisplacement by TANF recipients.
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- Sec.
 3-218.1. Fraud in obtaining public assistance; repayment; liability of family members; penalties.
 3-218.3. Unauthorized use of eligibility document.
 3-218.4. Prosecutions; subpoenas; witness fees; perjury; compulsion of obedience to subpoena; oaths.
 3-218.5. Penalties.
 3-218.6. Suspension, revocation, or denial of a business license or permit.

Subchapter XIX. Appropriations.

- Sec.
 3-219.2. [Repealed].

Subchapter XX. Nonrevival of Previously Repealed or Superseded Public Enactments; Nonabatement of Causes of Action

- 3-220.3. No new rights or entitlements created; exception.

*Subchapter I. Definitions.***§ 3-201.1. Definitions.**

For the purposes of this subchapter, the term:

(1) Repealed.

(1A) "Adult" means a person who is not a minor.

(1B) "Assistance unit" means all individuals whose needs, income and resources are considered in determining eligibility for, and the amount of, public assistance.

(1C) "Caretaker relative" means a relative by blood, half-blood, or legal adoption caring for a dependent child, who is a child's parent, or, if a parent is not in the home exercising responsibility for the care and control of the dependent child, the child's sibling; aunt; uncle; first cousin; first cousin once removed; second cousin; nephew; niece; grandparent; step-parent; step-sibling; relative of a preceding generation as denoted by prefixes of grand-, great-, great-great-, or great-great-great-; or the spouse of a parent or other relative listed in this paragraph, even after the marriage is terminated by death or divorce.

(1D)(A) "Continued absence from the home" means the absence of a parent from the home by reason of:

- (i) Desertion or abandonment;
- (ii) Divorce or legal separation;
- (iii) Imprisonment; or

(iv) Voluntary separation involving a dissociation of marital and family relationships.

(B) The term "continued absence from the home" shall not include absence from the home of a parent:

(i) Who has left home for employment elsewhere and who is meeting the financial needs of his or her family;

(ii) Who is absent solely because of performance of active duty in the uniformed services of the United States; or

(iii) Whose absence results from separate living arrangements made by a couple for the purpose of establishing eligibility for assistance.

(2) "Council" means the Council of the District of Columbia.

(2A) "Department" means the Department of Human Services of the District of Columbia, or any successor organizational unit (in whole or in part).

(3) "District" means the District of Columbia government.

(3A) "GAC" means the General Assistance for Children program established by § 3-205.5a.

(4) Repealed.

(4A) "Head of assistance unit" means:

(A) The adult parent of a minor child, if both are part of the same single-parent assistance unit;

(B) The principal household income earner or the nonincapacitated parent in a two-parent assistance unit, if that person is an adult parent of a minor child, and the parent and child are part of the same assistance unit;

(C) A caretaker relative residing with, and providing care for, a minor child, if the caretaker relative and child are part of the same assistance unit; or

(D) A minor parent of a minor child, if the parent and child are part of the same assistance unit and there are no adults in the assistance unit.

(5) "Mayor" means the Mayor of the District of Columbia or the agents, agencies, officers, and employees designated by him or her to perform any function vested in them by this chapter.

(5A) "Minor" means a person who is:

(A) Less than 18 years of age; or

(B) 18 years of age, a full-time student in a secondary school or in the equivalent level of vocational or technical training, and who is expected to graduate from such school or training by the person's 19th birthday.

(5B) "Parent" means a child's natural or adoptive parent.

(5C) "Parent who is the principal household income earner" means whichever parent, in a home in which both parents of a minor child are living, earned the greater amount of income in a 24-month period, the last month of which immediately preceded the month in which a TANF application was filed on the basis of the unemployment of that parent.

(5D) "POWER" means the Program on Work, Employment, and Responsibility established by § 3-205.72.

(6) "Public assistance" means payment in or by money, medical care, remedial care, goods or services to, or for the benefit of, needy persons.

(7) "Recipient" means a person to whom or on whose behalf public assistance is granted.

(8) "State" means each of the states of the United States. The term "state" includes Puerto Rico, Guam, and the United States Virgin Islands.

(9) "Stepparent" means a person who is living in the home of a minor child for whom TANF or POWER is requested, and who is legally married to the natural or adoptive parent of the child.

(10) "TANF" means the Temporary Assistance for Needy Families program established by subchapter II of this chapter.

(11) "IV-D agency" means the organizational unit, or any successor organizational unit (in whole or in part), that is responsible for administering or supervising the administration of the District's State Plan under Title IV, Part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.), pertaining to paternity establishment and the establishment, modification, and enforcement of child support orders and certain spousal support orders (those in which the spouse or former spouse is living with a child for whom the spousal support obligor also owes support). (Mar. 20,

1998, D.C. Law 12-60, § 701(a), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(a), 46 DCR 905.)

Effect of amendments.

Section 701(a) of D.C. Law 12-60 repealed (4).

D.C. Law 12-241 repealed (1) and added (1A)-(1D), (2A), (4A), (5A)-(5D) and (9)-(11).

Temporary amendments of section. —

Section 2(a) of D.C. Law 12-7 amended, repealed (1) and added a paragraph (2A) and (9) to read as follows:

“For the purposes of this subchapter, the term:

“(1) Repealed.

“(2A) ‘Department’ means the Department of Human Services of the District of Columbia.

“(9) ‘TANF’ means the Temporary Assistance for Needy Families program established by subchapter II of this chapter.”

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(a) of D.C. Law 12-21 repealed (4).

Section 7 of D.C. Law 12-21 provided that the act shall apply as of May 1, 1997.

Section 8(b) of D.C. Law 12-21 provided that the act shall expire on the 225th day of its having taken effect.

Section 701(a) of D.C. Law 12-59 repealed (4).

Section 2001(b) of D.C. Law 12-59 provided that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Section 2(a) of D.C. Law 12-130 repealed (1) and added (2A) and (9).

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(a) of D.C. Law 12-230 repealed (1) and added (1A)-(1D), (2A), (4A), (5A)-(5D) and (9)-(11).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Self-Sufficiency Promotion Amendment Act of 1998. — D.C. Law 12-241 provided that the Public Assistance Temporary Amendment Act of 1998, effective July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), any other regulations and procedures governing existing programs in the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code § 3-201.1 et seq.), and any regulations and procedures promulgated pursuant to the Self-Sufficiency Promotion Emergency Amendment Act of 1998, effective June 9, 1998 (Act 12-372; 45 DCR 4270), the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998, effective July 31, 1998

(Act 12-425; 45 DCR 5682), or the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 shall remain in effect until superseded by regulations and procedures developed and implemented pursuant to the Self-Sufficiency Promotion Amendment Act of 1998.

Temporary effectiveness of the Self-Sufficiency Promotion Temporary Amendment Act of 1998. — Section 16 of D.C. Law 12-230 provides that any regulations or procedures governing programs affected by this act and in existence as of the effective date of this act shall remain in effect until superseded by regulations and procedures developed and implemented pursuant to this act.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary amendment of § 16 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552). — Section 4(b) of D.C. Law 12-277 amended § 16 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552) to read as follows:

“Sec. 16. The Public Assistance Temporary Amendment Act of 1998, effective July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), any other regulations and procedures governing existing programs in the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code § 3-201.1 et seq.), and any regulations and procedures promulgated pursuant to the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998, effective July 31, 1998 (Act 12-425; 45 DCR 5682), shall remain in effect until superseded by regulations and procedures developed and implemented pursuant to the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998, signed by the Mayor on December 16, 1998 (D.C. Act 12-552; 46 DCR 521).”

Section 6(b) of D.C. Law 12-277 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 2(a) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

Section 7 of D.C. Act 12-72 provides for the application of the act.

For temporary amendment of section, see § 2(a) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 2(a) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 2(a) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-77 provides for the application of the act.

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 701(a) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and § 701(a) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Section 2002 of D.C. Act 12-152 provides for the application of the act.

For temporary amendment of section, see § 2(a) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(a) of the Self-Sufficiency Promotion Legislation Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(a) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(a) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

For temporary amendment of § 16 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552), see § 4(b) of the TANF-Related Medicaid Managed Care Program Technical Clarification Emergency Amendment Act of 1998 (D.C. Act 12-605, January 20, 1999, 46 DCR 1287).

For temporary effect of the Public Assistance Temporary Amendment Act of 1998 (D.C. Law 12-130) and regulations and procedures governing existing programs in the District of Columbia Public Assistance Act of 1982 (D.C. Law 4-101, § 3-201.1 et seq.), see § 16 of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 16 of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 16 of the Self-Sufficiency Promotion Congressional Re-

view Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 16 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — Law 12-7, the “Public Assistance Temporary Amendment Act of 1997,” was introduced in Council and assigned Bill No. 12-102. The Bill was adopted on first and second readings on February 18, 1997, and May 6, 1997, respectively. Signed by the Mayor on March 20, 1997, it was assigned Act No. 12-79 and transmitted to both Houses of Congress for its review. D.C. Law 12-7 became effective on August 1, 1997.

Legislative history of Law 12-21. — Law 12-21, the “General Public Assistance Program Termination Temporary Amendment Act of 1997,” was introduced in Council and assigned Bill No. 12-169. The Bill was adopted on first and second readings on May 6, 1997, and June 3, 1997, respectively. Signed by the Mayor on June 18, 1997, it was assigned Act No. 12-98 and transmitted to both Houses of Congress for its review. D.C. Law 12-21 became effective on September 23, 1997.

Legislative history of Law 12-59. — Law 12-59, the “Fiscal Year 1998 Revised Budget Support Temporary Act of 1997,” was introduced in Council and assigned Bill No. 12-350. The Bill was adopted on first and second readings on September 8, 1997, and September 22, 1997, respectively. Signed by the Mayor on October 24, 1997, it was assigned Act No. 12-190 and transmitted to both Houses of Congress for its review. D.C. Law 12-59 became effective on March 20, 1998.

Legislative history of Law 12-60. — Law 12-60, the “Fiscal Year 1998 Revised Budget Support Act of 1998,” was introduced in Council and assigned Bill No. 12-353, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on September 8, 1997, and October 7, 1997, respectively. Signed by the Mayor on October 24, 1997, it was assigned Act No. 12-191 and transmitted to both Houses of Congress for its review. D.C. Law 12-60 became effective on March 20, 1998.

Legislative history of Law 12-130. — Law 12-130, the “Public Assistance Temporary Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-574. The Bill was adopted on first and second readings on March 3, 1998, and April 7, 1998, respectively. Signed by the Mayor on April 17, 1998, it was assigned Act No. 12-329 and transmitted to both Houses of Congress for its review. D.C. Law 12-130 became effective on July 24, 1998.

Legislative history of Law 12-230. — Law 12-230, the “Self-Sufficiency Promotion Temporary Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-557. The Bill was adopted on first and second readings on May 5, 1998, and July 30, 1998, respectively. Signed by the Mayor on August 18, 1998, it was assigned Act No. 12-443 and transmitted to both Houses of Congress for its review. D.C. Law 12-230 became effective on April 20, 1999.

Legislative history of Law 12-241. — Law 12-241, the “Self-Sufficiency Promotion Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-558, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on December 23, 1998, it was assigned Act No.

12-573 and transmitted to both Houses of Congress for its review. D.C. Law 12-241 became effective on April 20, 1999.

Law 12-277, the “TANF-Related Medicaid Managed Care Program Technical Clarification Temporary Amendment Act of 1999,” was introduced in Council and assigned Bill No. 12-900. The Bill was adopted on first and second readings on December 15, 1999, and January 5, 1999, respectively. Signed by the Mayor on January 27, 1999, it was assigned Act No. 12-629 and transmitted to both Houses of Congress for its review. D.C. Law 12-277 became effective on April 27, 1999.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

Cited in *Salazar v. District of Columbia*, 954 F. Supp. 278 (D.D.C. 1996).

Subchapter II. Establishment of Programs; Administration of Chapter.

§ 3-202.1. Public assistance categories established.

The following categories of public assistance are established:

- (1) Repealed.
- (2) General Assistance for Children;
- (3) Repealed.
- (4) Emergency Shelter Family Services;
- (5) Temporary Assistance for Needy Families; and
- (6) Program on Work, Employment, and Responsibility. (Mar. 24, 1997, D.C. Law 12-60, § 701(b), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(b), 46 DCR 905.)

Effect of amendments.

Section 701(a) of D.C. Law 12-60 repealed (3); and made a stylistic change in (1).

D.C. Law 12-241 repealed (1) and added (5) and (6).

Temporary amendments of section. — Section 2(b) of D.C. Law 12-7 amended this section to read as follows:

“The following categories of public assistance are established:

- (1) Repealed.
- (2) General Assistance for Children;
- (3) General Public Assistance;
- (4) Emergency Shelter Family Services; and
- (5) Temporary Assistance for Needy Families.

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(b) of D.C. Law 12-21 repealed (3).

Section 7 of D.C. Law 12-21 provides that the act shall apply as of May 1, 1997.

Section 8(b) of D.C. Law 12-21 provides that the act shall expire on the 225th day of its having taken effect.

Section 701(a) of D.C. Law 12-59 repealed (3).

Section 2001(b) of D.C. Law 12-59 provided that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Section 2(b) of D.C. Law 12-130 repealed (1) and added (5).

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(b) of D.C. Law 12-230 repealed (1) and added (5) and (6).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see

§ 2(b) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 2(b) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 2(b) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(b) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(b) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and § 701(b) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Section 2002 of D.C. Act 12-152 provides for the application of the act.

For temporary amendment of section, see § 2(b) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(b) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(b) of

the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(b) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-21. — See note to § 3-201.1.

Legislative history of Law 12-59. — See note to § 3-201.1.

Legislative history of Law 12-60. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

Private day care centers. — This subchapter has no applicability to private day care centers. *Brown v. District of Columbia*, 122 WLR 641 (Super. Ct. 1994).

§ 3-202.1a. Termination of General Public Assistance.

Effective May 1, 1997, the General Public Assistance (“GPA”) program shall be terminated. No person shall be eligible to receive GPA benefits after May 1, 1997. (Apr. 6, 1982, D.C. Law 4-101, § 201a, as added Mar. 20, 1998, D.C. Law 12-60, § 701(c), 44 DCR 7378.)

Effect of amendments. — Section 701(c) of D.C. Law 12-60 added this section.

Temporary addition of section. — Section 2(c) of D.C. Law 12-21 added this section.

Section 7 of D.C. Law 12-21 provided that the act shall apply as of May 1, 1997.

Section 8(b) of D.C. Law 12-21 provided that the act shall expire on the 225th day of its having taken effect.

Section 701(c) of D.C. Law 12-59 added this section.

Section 2001(b) of D.C. Law 12-59 provided that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Emergency act amendments. — For temporary addition of section, see § 2(c) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary addition of section, see § 701(c) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and § 701(c) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Section 2002 of D.C. Act 12-152 provides for the application of the act.

Legislative history of Law 12-21. — See note to § 3-201.1.

Legislative history of Law 12-59. — See note to § 2-201.1.

Legislative history of Law 12-60. — See note to § 3-201.1.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 3-202.2. Administrative duties of Mayor.

(a) In accordance with rules issued by the Mayor and approved by the Council, pursuant to § 3-202.5, the Mayor shall administer this chapter.

* * * * *

(Apr. 20, 1999, D.C. Law 12-241, § 2(c), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 substituted “issued by the Mayor and approved by the Council, pursuant to § 3-202.5” for “adopted by the Council, pursuant to § 3-202.4” in (a).

Temporary amendment of section. — Section 2(c) of D.C. Law 12-230 substituted “issued by the Mayor and approved by the Council, pursuant to § 3-202.5” for “adopted by the Council, pursuant to § 3-202.4” in (a).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(c) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(c) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(c) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-202.3. Mayor authorized to delegate functions.

The Mayor may delegate and subdelegate any function vested in him or her by this chapter to any agency, officer, or employee of the District. The Mayor may contract with private entities to carry out functions under the TANF or POWER programs vested in him or her by this chapter, subject to the limitation of § 3-205.19h and any other applicable District law. (Apr. 6, 1982, D.C. Law 4-101, § 203, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(d), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added the second sentence.

Temporary amendment of section. — Section 2(d) of D.C. Law 12-230 added the second sentence.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(d) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(d) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(d) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-202.4. Council to adopt rules.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 204, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(e), 46 DCR 905.)

Temporary repeal of section. — Section 2(e) of D.C. Law 12-230 repealed this section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 2(e) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(e) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(e) of the Self-Sufficiency Promotion Congressional Review Emer-

gency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(e) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-202.5. Mayor to issue rules.

(a) The Mayor shall, no later than January 1, 1986, and pursuant to subchapter I of Chapter 15 of Title 1, issue rules necessary to implement § 2 of the District of Columbia Public Assistance Act of 1982 Amendments Act of 1985.

(b) The Mayor shall promptly issue proposed rules to implement the provisions of the Self-Sufficiency Promotion Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-241; 46 DCR 905), pursuant to subchapter I of Chapter 15 of Title 1. The proposed rules shall be submitted to the Council for a 30-day period of review excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within the 30-day review period, the proposed rules shall be deemed approved. (Apr. 6, 1982, D.C. Law 4-101, § 205, as added Sept. 10, 1985, D.C. Law 6-35, § 2(a), 32 DCR 3778; Apr. 20, 1999, D.C. Law 12-241, § 2(f), 46 DCR 905; Apr. 20, 1999, D.C. Law 12-264, § 15(a), 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-241 added (b).

D.C. Law 12-264, in (b), substituted "Self-Sufficiency Promotion Amendment Act of 1998" for "Self-Sufficiency Promotion Emergency Amendment Act of 1997."

Temporary amendment of section. — Section 2(c) of D.C. Law 12-7 amended this section to read as follows:

"(a) [The Mayor shall, no later than January 1, 1986, and pursuant to subchapter I of Chapter 15 of Title 1, issue rules necessary to implement § 2 of the District of Columbia Public Assistance Act of 1982 Amendments Act of 1985.]

"(b) The Mayor shall issue proposed rules to implement the provisions of the Public Assistance Emergency Amendment Act of 1997 within 45 days from the effective date of the

Public Assistance Emergency Amendment Act of 1997 and as necessary thereafter, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 et seq.). The proposed rules shall be submitted to the Council of the District of Columbia for a 30-day period of review excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 30-day review period, the proposed rules shall be deemed approved."

Section 7(b) of D.C. Law 12-7 provided that the act shall expire after 225 days of its having taken effect.

Section 2(c) of D.C. Law 12-130 redesignated the existing text as (a) and added (b) as follows:

"(a) The Mayor shall, no later than January

1, 1986, and pursuant to subchapter I of Chapter 15 of Title 1, issue rules necessary to implement § 2 of the District of Columbia Public Assistance Act of 1982 Amendments Act of 1985.

“(b) The Mayor shall issue proposed rules to implement the provisions of the Public Assistance Emergency Amendment Act of 1997 within 45 days from the effective date of the Public Assistance Emergency Amendment Act of 1997 and as necessary thereafter, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 et seq.). The proposed rules shall be submitted to the Council of the District of Columbia for a 30-day period of review excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 30-day review period, the proposed rules shall be deemed approved.”

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(f) of D.C. Law 12-230 added (b).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary amendment of § 2(f) of D.C. Act 12-552. — Section 4(a) of D.C. Law 12-277 amended § 2(f) of D.C. Act 12-552 to read as follows:

“(b) The Mayor shall promptly issue proposed rules to implement the provisions of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998, effective July 31, 1998 (D.C. Act 12-425; 45 DCR 5682), and the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998, signed by the Mayor on December 16, 1998 (D.C. Act 12-552; 46 DCR 521), pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 et seq.). The proposed rules shall be submitted to the Council for a 30-day period of review excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within the 30-day review period, the proposed rules shall be deemed approved.”

Section 6(b) of D.C. Law 12-277 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(c) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 2(c) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 2(c) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-77 provides for the application of the act.

Section 7 of D.C. Act 12-306 provides for the application of the act.

For temporary amendment of section, see § 2(f) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(f) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(f) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(f) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

For temporary amendment of section, see § 4(a) of the TANF-related Medicaid Managed Care Program Technical Clarification Emergency Amendment Act of 1998 (D.C. Act 12-605, January 20, 1999, 46 DCR 1287).

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Legislative history of Law 12-264. — Law 12-264, the “Technical Amendments Act of 1998,” was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

Legislative history of Law 12-277. — See note to § 3-201.1.

Subchapter IV. Old Age Assistance; Aid to the Blind; Aid to the Disabled; Medicaid Program Administration.

§ 3-204.1. Monthly amount of income disregarded.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 401, 29 DCR 1060; Mar. 20, 1998, D.C. Law 12-60, § 701(d), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(g), 46 DCR 905.)

Temporary repeal of §§ 3-204.1 through 3-204.4. — Section 2(g) of D.C. Law 12-230 repealed §§ 3-204.1 through 3-204.4.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of §§ 3-204.1 through 3-204.4, see § 2(g) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(g) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(g) of the Self-Sufficiency Promotion Congressional

Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(g) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-204.2. Amount of federal payment disregarded.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 402, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(g), 46 DCR 905.)

Temporary repeal of §§ 3-204.1 through 3-204.4. — See notes to § 3-204.1.

Emergency act amendments. — See notes to § 3-204.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-204.3. Ability of responsible relatives to contribute.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 403, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(g), 46 DCR 905.)

Temporary repeal of §§ 3-204.1 through 3-204.4. — See notes to § 3-204.1.

Emergency act amendments. — See notes to § 3-204.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-204.4. Amount of training incentive payment disregarded.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 404, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(g), 46 DCR 905.)

Temporary repeal of §§ 3-204.1 through 3-204.4. — See notes to § 3-204.1.

Emergency act amendments. — See notes to § 3-204.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-204.5a. Extension of transitional Medicaid program.

(a) The Mayor shall extend the transitional Medicaid program to 24 months pursuant to the Family Support Act of 1988, approved October 13, 1988 (P.L.100-485; 102 Stat. 2343), and the District of Columbia State Plan for Medicaid. The Mayor shall seek any waivers and exemptions from federal statutes and regulations necessary to make such an extension.

(b) Increased transitional medical assistance benefits shall be made available to all working families eligible under subsection (a) of this section.

(c) Earned income shall be disregarded under the extended Transitional Medicaid Program in accordance with § 3-205.11(a)(5)(B). (Apr. 6, 1982, D.C. Law 4-101, § 405a, as added Oct. 27, 1995, D.C. Law 11-72, § 301, 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 4(a), 46 DCR 905.)

Effect of amendments. — D.C. Law 11-72 added this section.

D.C. Law 12-241 added the last sentence in (a) and added (c).

Temporary amendment of section. — Section 4(a) of D.C. Law 12-230 added the last sentence in (a) and added (c).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 4(a) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 4(a) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 4(a) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C.

Act 12-552, December 24, 1998, 46 DCR 521), and § 4(a) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 11-72. — See note to § 3-205.61.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Expiration of Law 11-72. — Section 401 of D.C. Law 11-72 provided that the act shall expire 5 years from the date of implementation of an approved federal waiver and rules promulgated by the Mayor.

§ 3-204.6. District supplement for Supplemental Security Income recipients.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 406, as added Sept. 14, 1982, D.C. Law 4-146, § 3, 29 DCR 3151; Mar. 10, 1983, D.C. Law 4-208, § 2(a), 30 DCR 202; Mar. 14, 1985, D.C. Law 5-159, § 17(b), 32 DCR 30; Apr. 30, 1988, D.C. Law 7-104, § 29, 35 DCR 147; Feb. 27, 1998, D.C. Law 12-53, § 2, 44 DCR 6228.)

Legislative history of Law 12-53. — Law 12-53, the "Supplemental Security Income Payment Amendment Act of 1997," was introduced in Council and assigned Bill No. 12-254, which was referred to the Committee on Human Services. The Bill was adopted on first and second

readings on July 1, 1997, and September 22, 1997, respectively. Signed by the Mayor on October 3, 1997, it was assigned Act No. 12-170 and transmitted to both Houses of Congress for its review. D.C. Law 12-53 became effective on February 27, 1998.

*Subchapter V. Public Assistance Programs.***§ 3-205.1. Eligibility for public assistance.**

Public assistance may be awarded to, or on behalf of, any needy individual who is eligible for one of the categories of public assistance established by subchapter II. (Apr. 6, 1982, D.C. Law 4-101, § 501, 29 DCR 1060; Oct. 27, 1995, D.C. Law 11-72, § 201(a), 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 2(h), 46 DCR 905.)

Section references. — This section is referred to in §§ 3-206.1 and 30-501.

Effect of amendments. — D.C. Law 11-72 added the exception at the beginning.

D.C. Law 12-241 rewrote the section.

Temporary amendment of section. — Section 2(d) of D.C. Law 12-7 amended this section to read as follows:

“(a) Except for TANF and as provided in §§ 3-205.61 and 3-205.68, public assistance shall be awarded to, or on behalf of, any needy individual who is within 1 of the categories of public assistance established by subchapter II of this chapter.

“(b) Public assistance may be awarded to or on behalf of any needy individual who is eligible for TANF. Nothing in this act shall be construed to confer or create an entitlement to TANF benefits in any individual who is eligible to receive TANF benefits.”

Section 7(b) of D.C. Law 12-7 provided that the act shall expire after 225 days of its having taken effect.

Section 2(d) of D.C. Law 12-130 amended this section to read as follows:

“(a) Except for TANF and as provided in §§ 3-205.61 through 3-205.68, public assistance shall be awarded to, or on behalf of, any needy individual who is within one of the categories of public assistance established by subchapter II of this chapter.

“(b) Public assistance may be awarded to or on behalf of any needy individual who is eligible for TANF. Nothing in this subchapter shall be construed to confer or create an entitlement to TANF benefits in any individual who is eligible to receive TANF benefits.”

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(h) of D.C. Law 12-230 rewrote the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides

that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(d) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(d) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

Section 7 of D.C. Act 12-77 provides for the application of the act.

For temporary amendment of section, see § 2(d) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provides for the application of the act.

For temporary amendment of section, see § 2(h) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(h) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(h) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(h) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 11-72. — See note to § 3-205.61.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Expiration of Law 11-72. — Section 401 of D.C. Law 11-72 provided that the act shall expire 5 years from the date of implementation of an approved federal waiver and rules promulgated by the Mayor.

Delegation of Authority Pursuant to D.C. Law 12-372, the "Self-Sufficiency Promotion Emergency Amendment Act of

1998." — See Mayor's Order 98-143, August 25, 1998 (45 DCR 6596).

§ 3-205.2. Residency requirement.

The Mayor in determining eligibility for a person to receive TANF, GAC, and Emergency Shelter Family Services benefits shall not impose, as a condition of eligibility, any residence requirement which excludes any individual who resides in the District. (Apr. 6, 1982, D.C. Law 4-101, § 502, 29 DCR 1060; Aug. 17, 1991, D.C. Law 9-19, title I, § 101(c), 38 DCR 4066; Aug. 17, 1991, D.C. Law 9-27, § 2(c), 38 DCR 4205; Feb. 5, 1994, D.C. Law 10-68, § 10(b), 40 DCR 6311; Mar. 20, 1998, D.C. Law 12-60, § 701(e), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(i), 46 DCR 905.)

Effect of amendments.

D.C. Law 12-60 deleted "GPA" following "GAC."

D.C. Law 12-241 substituted "TANF" for "AFDC."

Temporary amendments of section.

Section 2(x) of D.C. Law 12-7 amended this section to read as follows:

"The Mayor in determining eligibility for a person to receive TANF, GAC, GPA, and Emergency Shelter Family Services benefits shall not impose, as a condition of eligibility, any residence requirement which excludes any individual who resides in the District."

Section 7(b) of D.C. Law 12-7 provided that the act shall expire after 225 days of its having taken effect.

Section 7 of D.C. Law 12-21 provided that the act shall apply as of May 1, 1997.

Section 8(b) of D.C. Law 12-21 provided that the act shall expire on the 225th day of its having taken effect.

Section 701(e) of D.C. Law 12-59 deleted "GPA" following "GAC."

Section 2001(b) of D.C. Law 12-59 provided that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Section 2(x) of D.C. Law 12-130 substituted "TANF" for "AFDC."

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(i) of D.C. Law 12-230 substituted "TANF" for "AFDC."

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130.

Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778).

For temporary amendment of section, see § 2(e) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

Section 7 of D.C. Act 12-72 provides for the application of the act.

For temporary amendment of section, see § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

Section 7 of D.C. Act 12-77 provides for the application of the act.

For temporary amendment of section, see § 701(e) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196).

Section 2002 of D.C. Act 12-152 provides for the application of the act.

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provides for the application of the act.

For temporary amendment of section, see § 2(i) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(i) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(i) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(i) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-21. — See note to § 3-201.1.

Legislative history of Law 12-59. — See note to § 3-201.1.

Legislative history of Law 12-60. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 3-205.4. Relocation of recipients to another jurisdiction.

Recipients of assistance from the District who move to another jurisdiction with intent to remain in that State shall be ineligible to receive assistance from the District immediately upon the date of the recipient's last day of residency in the District of Columbia. (Apr. 6, 1982, D.C. Law 4-101, § 504, 29 DCR 1060; Oct. 27, 1995, D.C. Law 11-72, § 201(b), 42 DCR 4728; Apr. 18, 1996, D.C. Law 11-110, § 64, 43 DCR 530.)

Effect of amendments. — D.C. Law 11-110 made a technical correction to D.C. Law 11-72 which amended this section.

D.C. Law 11-72 rewrote this section.

Legislative history of Law 11-72. — See note to § 3-205.61.

Legislative history of Law 11-110. — See note to § 3-205.11.

Expiration of Law 11-72. — See note to § 3-205.1.

§ 3-205.5. Definitions.

For the purpose of this subchapter, the term:

(1) “Earned income” means income in cash or in kind produced as a result of the performance of services currently rendered by an individual. In the case of an applicant or recipient of TANF, the term “earned income” shall not include the amount of earned income credit payments actually received.

* * * * *

(4) “Income” means earned or unearned money received by an individual that is of gain or benefit to the individual or assistance unit. The term “income” includes the following: wages; salary; gross income from self-employment; training allowances, stipends or other payments for work experience (to the extent that they are countable as income pursuant to § 3-205.13a); District public assistance payments; federal public assistance payments (to the extent permitted under federal law); pensions; retirement benefits; annuities; unemployment compensation; worker's compensation; child support or alimony payments made directly to a member of the assistance unit from someone who is not a member of the assistance unit; interest; dividends; scholarships; rent received from a tenant or lessee; and money that is required by District or federal law to be deemed from a person who is not a member of the assistance unit. The term “income” does not include: a non-recurring lump-sum payment (which shall be considered a resource); payments made by a government agency to a third party for child care, housing, or medical assistance; or any payment that is specifically excluded by federal or District law from consideration as income for the purpose of determining eligibility for public assistance.

* * * * *

(Apr. 20, 1999, D.C. Law 12-241, § 2(j), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 substituted “this title” for “§§ 3-205.6 through 3-205.13” in the introductory language; substituted “TANF” for “AFDC” in (1); and rewrote (4).

Temporary amendment of section. — Section of D.C. Law 12-7 amended (1) to read as follows:

“For the purpose of §§ 3-205.6 through 3-205.13, the term:

“(1) ‘Earned income’ means income in cash or in kind produced as a result of the performance of services currently rendered by an individual. In the case of an applicant or recipient of TANF, the term ‘earned income’ shall not include the amount of earned income credit payments actually received.”

Section 7(b) of D.C. Law 12-7 provided that the act shall expire after 225 days of its having taken effect.

Section 2(x) of D.C. Law 12-130 substituted “TANF” for “AFDC” in (1).

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(j) of D.C. Law 12-230 substituted “this title” for “§§ 3-205.6 through 3205.13” in the introductory language; substituted “TANF” for “AFDC” in (1); and added (4).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(x) of the

Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

Section 7 of D.C. Act 12-77 provides for the application of the act.

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provides for the application of the act.

For temporary amendment of section, see § 2(j) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(j) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(j) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(j) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.5a. General Assistance for Children program.

(a) A General Assistance for Children program is established to provide the same benefits for a child as the child would receive under TANF if the child’s caretaker could demonstrate a family relationship with the child that is required in the TANF program. The needs of a caretaker shall not be considered when determining of an assistance unit’s GAC benefits. A caretaker of a child receiving GAC shall not be considered a GAC recipient, or a member of the GAC assistance unit, even if the caretaker receives the payment on the child’s behalf.

* * * * *

(c) All provisions of this chapter that apply to determinations of eligibility for and payments of TANF shall apply to determinations of eligibility for and payments of GAC, except that:

(1) The income, assets, and resources of the caretaker shall not be considered in determining eligibility of the assistance unit for GAC; and

(2) An assistance unit headed by a minor shall be ineligible to receive GAC.

(c-1)(1) GAC benefits shall only be provided for a child if the child's caretaker can produce authorization from the child's legally responsible relative or a court of competent jurisdiction designating the applicant as the temporary or permanent caretaker for the child, to the extent such authorization is reasonably obtainable by the caretaker. The Mayor shall specify what constitutes a valid authorization, but shall not require as a condition of eligibility that any specific court action is required concerning the care of the child.

(2) Where authorization from the child's legally responsible relative is not reasonably obtainable by the caretaker, the caretaker may offer other proof of a custodial relationship between the caretaker and the child. Proof may include, but is not limited to, leases indicating that the child lives with the caretaker, medical records, or school records bearing the caretaker's signature or affidavits from teachers, social workers, medical staff, or other professionals involved in the family's life.

(d) Repealed.

* * * * *

(Apr. 20, 1999, D.C. Law 12-241, § 3, 46 DCR 905.)

Effect of amendments.

D.C. Law 12-241 rewrote (a) and (c); added (c-1); and repealed (d).

Temporary amendment of section. — Section of D.C. Law 12-7 amended (a) to read as follows:

"(a) A General Assistance for Children program is established to provide the same benefits for a child as the child would receive under TANF if the child had a family relationship with a caretaker that is required in the TANF program."

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section (3) of D.C. Law 12-130 substituted "TANF" for "AFDC" in (a).

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 3 of D.C. Law 12-230 rewrote (a) and (c); added (c-1); and repealed (d).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the

Public Assistance Temporary Amendment Act of 1998, effective July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 3 of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 3 of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

Section 7 of D.C. Act 12-77 provides for the application of the act.

For temporary amendment of section, see § 3 of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 3 of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 3 of the Self-Sufficiency Promotion Legislative Review Emer-

gency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 3 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 3 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.6. Old Age Assistance and Aid to the Permanently and Totally Disabled need determination.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 506, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(k), 46 DCR 905.)

Temporary repeal of section. — Section 2(k) of D.C. Law 12-230 repealed this section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 2(k) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(k) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(k) of the Self-Sufficiency Promotion Congressional Review Emer-

gency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(k) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.7. Aid to the Blind need determination.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 507, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(k), 46 DCR 905.)

Temporary repeal of section. — Section 2(k) of D.C. Law 12-230 repealed this section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 2(k) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(k) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(k) of the Self-Sufficiency Promotion Congressional Review Emer-

gency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(k) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.8. GPA need determination.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 508, 29 DCR 1060; March 20, 1998, D.C. Law 12-60, § 701(f), 44 DCR 7378.)

Temporary repeal of section. — Section 2(f) of D.C. Law 12-21 repealed this section.

Section 7 of D.C. Law 12-21 provides that the act shall apply as of May 1, 1997.

Section 8(b) of D.C. Law 12-21 provides that the act shall expire on the 225th day of its having taken effect.

Section 701(f) of D.C. Law 12-59 repealed this section.

Section 2001(b) of D.C. Law 12-59 provided that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Legislative history of Law 12-21. — See note to § 3-201.1.

Legislative history of Law 12-59. — See note to § 3-201.1.

Legislative history of Law 12-60. — See note to § 3-201.1.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 3-205.9. AB and ATD self-supporting plans.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 509, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(k), 46 DCR 905.)

Temporary repeal of section. — Section 2(k) of D.C. Law 12-230 repealed this section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 2(k) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(k) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(k) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(k) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.10. TANF income eligibility standards.

(a) When the gross income of family applying for, or receiving TANF exceeds 100% of the standard of assistance for a family of the same composition, as set forth in § 3-205.52, the family is not eligible for assistance. Income deemed from stepparents shall be counted in gross family income to the extent permitted pursuant to § 3-205.22. Income deemed from an alien sponsor shall be counted in gross family income to the extent required by § 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2105; 8 U.S.C. § 1631). Payments to correct underpayments to TANF or POWER recipients are not considered income or as a resource either in the month the payment is made or in the following month.

(b) If the gross income, computed pursuant to subsection (a) of this section, is 100% or less of the standard of assistance, financial conditions of eligibility shall be calculated in accordance with §§ 3-205.11, 3-205.29, 3-205.33(b) and 3-217.5. (Apr. 6, 1982, D.C. Law 4-101, § 510, 29 DCR 1060; Mar. 14, 1985,

D.C. Law 5-150, § 2(b), 31 DCR 6425; Sept. 10, 1985, D.C. Law 6-35, § 2(c), 32 DCR 3778; Apr. 20, 1999, D.C. Law 12-241, § 2(l), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 rewrote the section.

Temporary amendment of section. — Section 2(x) of D.C. Law 12-7 amended (a) to read as follows:

“(a) When the gross family income of persons applying for, or receiving, TANF exceeds 185% of the standard of assistance for a family of the same composition, the family is not eligible for assistance. The disregard for stepparent’s income under § 3-205.22, and the alien sponsor’s disregards under 45 CFR 233.51 must be applied before making the determination under this section. Payments to correct underpayments to TANF recipients is not considered as income or as a resource either in the month the payment is made or in the following month.”

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(x) of D.C. Law 12-130 substituted “TANF” for “AFDC” in (a).

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(l) of D.C. Law 12-230 rewrote the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130, 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(x) of the

Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

Section 7 of D.C. Act 12-77 provides for the application of the act.

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provides for the application of the act.

For temporary amendment of section, see § 2(l) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(l) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(l) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(l) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.11. AFDC need determination.

(a) In determining the need of families who are applying for or receiving TANF:

(1) Deduct such amount for a work-related expense as the Mayor shall specify through rulemaking. If the individual is self-employed, work expenses directly related to producing the goods or services, and without which the goods or services could not be produced, shall be excluded from the gross earned income total;

(2) Deduct the cost of care of each dependent child, or care of an incapacitated adult living in the same home and receiving TANF or POWER, up to a maximum amount that the Mayor shall specify through rulemaking. The maximum amount deductible for the cost of care of a child may vary depending upon the age of the child;

(3) For initial applicants, determine whether the monthly income, after disregards allowed under paragraph (1) or (2) of this section, exceeds the standard of assistance. If so, the family is ineligible for assistance;

(4) Disregard all of the monthly gross earned income of each child receiving TANF if the child is a full-time student, or is a part-time student provided he is not employed full time. A part-time student must have a school schedule that is equal to at least one half of a full-time curriculum;

(4A)(A) For individuals otherwise found eligible to receive TANF, disregard from the individual's earned income a specific dollar amount and/or a percentage of the earned income. The Mayor shall establish, through rulemaking, the amount and/or percentage of earned income to be disregarded, the period of time during which any earned income may be disregarded, and other rules necessary to implement this provision. The rules shall reflect the District's interests in rewarding work, assisting needy families, and promoting self-sufficiency.

(B) To the extent permitted under federal law, in calculating the eligibility for Medicaid (other than Transitional Medicaid) of a child or a family with minor children, the Mayor shall disregard earned income to the same extent that earned income is disregarded under TANF. In calculating eligibility for Transitional Medicaid, subject to the approval of the U.S. Department of Health and Human Services ("HHS"), the Mayor shall disregard income for the first 12 months of Transitional Medicaid pursuant to the provisions established in § 1925(a) of the Social Security Act, approved October 13, 1988 (102 Stat. 2385; 42 U.S.C. § 1396r-6(a)), and shall disregard income for the second 12 months of Transitional Medicaid pursuant to the provisions established in § 1925(b) of the Social Security Act (42 U.S.C. § 1396r-6(b)). Absent approval by HHS, income shall be disregarded pursuant to applicable federal law.

(5) Repealed.

(5A) Disregard any federal earned income tax credit received; and

(6) Income earned by any adult member of the assistance unit shall not be disregarded for any month in which the Department determines that such member:

(A) Within 60 days preceding such month, without good cause (as specified in rules established by the Mayor and adopted by the Council), terminated his or her employment, reduced his or her gross earned income, or refused a bona fide offer of employment;

(B) Voluntarily requested assistance be terminated for the sole purpose of evading any time limit placed on the disregarding of earned income that may be established by rule by the Mayor;

(C) Without good cause, failed to file the periodic report required for that period on time; or

(D) Failed to inform the Mayor, without good cause, about earnings affecting eligibility as required by § 3-205.53(a) or § 3-205.54. The penalty for this failure shall be applied until the recipient's next periodic report is filed and processed by the Mayor.

(7) Repealed.

(b) The income and assets of a parent living in the same household as a dependent child, but not included in the assistance unit because the parent is

ineligible for TANF, shall be considered available to the assistance unit to the extent that the income and assets of a deemed parent, as defined in § 3-205.22, would be considered available to the assistance unit. The income of a stepparent of the dependent child shall be considered available to the assistance unit to the extent required under § 3-205.22. In the case of a dependent child whose parent is a minor, the income of the minor parent's own parent or legal guardian living in the same household as the minor parent and the minor parent's dependent child shall be considered available to the extent required under § 3-205.22. (Oct. 27, 1995, D.C. Law 11-72, § 201(c), 42 DCR 4728; Apr. 18, 1996, D.C. Law 11-110, § 9(a), 43 DCR 530; Apr. 9, 1997, D.C. Law 11-255, § 8(a), 44 DCR 127; Apr. 20, 1999, D.C. Law 12-241, § 2(m), 46 DCR 905.)

Effect of amendments. — D.C. Law 11-72 inserted (a)(5)(A-1).

D.C. Law 11-110 substituted "\$100 plus 50% disregard" for "\$100 plus 40% disregard" in the second sentence of (a)(5)(A-1).

D.C. Law 11-255 validated a previously made technical correction in (a)(5)(A-1).

D.C. Law 12-241, in (a), substituted "TANF" for "AFDC" throughout the subsection, rewrote the first sentence in (1), rewrote (2), added (4A), repealed (a)(5), in (6), inserted "adult" in the introductory language, rewrote (6)(A), (6)(B), and (6)(D), in (6)(C), substituted "periodic" for "monthly", and "period" for "month", repealed (7); and rewrote (b).

Temporary amendment of section. — Section 2(e) and (x) of D.C. Law 12-7 amended this section to read as follows:

"TANF need determination.

"(a) In determining the need of families who are applying for or receiving TANF:

"(1) Deduct the first \$90 of total gross earned income of each individual in the assistance unit. If the individual is self-employed, work expenses directly related to producing the goods or services, and without which the goods or services could not be produced, shall be excluded from the gross earned income total;

"(2) Deduct the cost of care of each dependent child, or care of an incapacitated adult living in the same home and receiving TANF, up to a maximum of \$175 per month per child 2 years of age or over or incapacitated adult, or up to a maximum of \$200 per month per child for a child under 2 years of age;

"(3) For initial applicants, determine whether the monthly income, after disregards allowed under paragraph (1) or (2) of this section, exceeds the standard of assistance. If so, the family is ineligible for assistance;

"(4) Disregard all of the monthly gross earned income of each child receiving TANF if the child is a full-time student, or is a part-time student provided he is not employed full time. A part-time student must have a school schedule that is equal to at least one half of a full-time curriculum;

"(5)(A) For individuals found otherwise eligible to receive assistance or who have received

assistance in 1 of the 4 months prior to the month of application, disregard from the individual's earned income \$30 plus one-third of his or her earned income. The \$30 plus one-third disregard for individuals found otherwise eligible will be applied before the disregards specified in paragraph (2) of this subsection and after the disregard specified in paragraph (1) of this subsection. After the \$30 plus one-third disregard has been applied to an individual's gross earned income for 4 consecutive months (any month for which the unit loses this disregard because of a provision in paragraph (6) of this section shall be considered as 1 of those months), a \$30 disregard shall be applied for a period of 8 additional consecutive calendar months. This 8-month period begins with the month following the fourth consecutive month in which the \$30 plus one-third disregard was applied, and ends with the eighth consecutive month regardless of whether the \$30 disregard is actually applied. Thereafter, the disregards are not available until 12 consecutive months have passed during which the individual is not a recipient of TANF. The resulting income figure is considered in determining the grant to the assistance unit. The \$30 disregard for the 8-month period applies only to an TANF recipient who has not already received the \$30 plus one-third disregard for 4 consecutive months prior to October 1, 1984 (unless he or she has been ineligible for TANF for 12 consecutive months);

"(A-1) As of the effective date of the implementation of the Demonstration Project, the Mayor shall amend the State Plan to allow TANF recipients participating in the Demonstration Project to disregard from their earned income \$100 plus 50 cents of each dollar of earned income not already disregarded. The first \$100 plus 50 cents disregard for individuals found otherwise eligible will be applied before the disregards specified in paragraph (2) of this subsection and after the disregards specified in paragraph (1) of this subsection. The resulting income figure shall be considered in determining the grant to the assistance unit.

"(B) The District of Columbia exercises the option provided by § 402 (a) (37) of the Social

Security Act (42 U.S.C. § 602 (a) (37)), to extend the 9-month period of Medicaid coverage for an additional period of 6 months for assistance units that would be eligible during this additional period to receive TANF if the \$30 plus one-third or the \$30 disregards were applied to the assistance unit's earned income;

"(5A) Disregard any federal earned income tax credit received; and

"(6) Income earned by any member of the assistance unit shall not be disregarded for any month in which the Department determines that such member:

"(A) Within 30 days preceding such month, without good cause (as specified in the state plan), terminated his or her employment, reduced his or her gross earned income, or refused a bona fide offer of employment;

"(B) Voluntarily requested assistance be terminated for the sole purpose of avoiding receiving the \$30 plus one-third disregard for 4 consecutive months;

"(C) Without good cause, failed to file the monthly report required for that month on time;

"(D) Failed to report without good cause earnings affecting eligibility within 10 days of receipt of the earnings.

"(7) Repealed.

"(b) The income and assets of a parent living in the same household as a dependent child, but not included in the assistance unit because the parent is not eligible for TANC, shall be considered available to the assistance unit, except that the disregards in paragraphs (1) and (2) of subsection (a) of this section shall apply. The income of a stepparent shall be considered available to the assistance unit as provided in § 3-205.22. In the case of a dependent child whose parent or legal guardian is an individual age 18 or under, the income of this individual's own parent(s) or legal guardian(s) living in the same household as the individual and his or her dependent child shall be considered available to the assistance unit to the same extent as the income of a stepparent under § 3-205.22(b)(2). In applying the disregards under § 3-205.22(b)(2) to an individual's parent(s) or legal guardian(s), each employed parent or legal guardian shall receive the benefit of the work expense disregard in § 3-205.22(b)(2)(A)."

Section 7(b) of D.C. Law 12-7 provided that the act shall expire after 225 days of its having taken effect.

Section 2(e) and (x) of D.C. Law 12-130 in (a), substituted "TANF" for "AFDC" throughout the subsection and repealed (7).

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(m) of D.C. Law 12-230, in (a), substituted "TANF" for "AFDC" throughout the subsection, rewrote the first sentence in (1), rewrote (2), added (4A), repealed (a)(5), in (6),

inserted "adult" in the introductory language, rewrote (6)(A), (6)(B), and (6)(D), in (6)(c), substituted "periodic" for "monthly", and "period" for "month", repealed (7); and rewrote (b).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(e) and (x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778); § 2(e) and (x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 2(e) and (x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provides for the application of the act.

For temporary amendment of section, see § 2(m) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(m) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(m) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(m) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 11-72. — See note to § 3-205.6.

Legislative history of Law 11-110. — Law 11-110, the "Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-485, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 5, 1995, and January 4, 1996, respectively. Signed by the Mayor on January 26, 1996, it was assigned Act No. 11-199 and transmitted to both Houses of Congress for its review. D.C. Law 11-110 became effective on April 18, 1996.

Legislative history of Law 11-255. — Law 11-255, the "Second Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-905, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on Novem-

ber 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-519 and transmitted to both Houses of Congress for its review. D.C. Law 11-255 became effective on April 9, 1997.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Expiration of Law 11-72. — See note to § 3-205.1.

§ 3-205.11a. Time limit for receipt of TANF benefits.

(a) Federally-funded TANF benefits shall not be provided to any assistance unit that includes an adult who has received federally-funded TANF benefits for 60 months (whether or not consecutive) after February 28, 1997.

(b) In determining the number of months during which an individual has received federally-funded TANF benefits, the District shall disregard any month for which TANF benefits were provided with respect to the individual when the individual was:

(1) A minor child; and

(2) Not the head of an assistance unit or married to the head of an assistance unit.

(c) For purposes of this section, a TANF recipient shall not be considered to have been provided benefits in any month in which the recipient did not actually receive TANF benefits, pursuant to § 3-205.51, because the benefit check prior to adjustments would have been less than \$10.

(d) In determining the number of months during which an adult has received federally funded TANF benefits, any month shall be disregarded if during that month the adult lived in Indian country (as defined in 18 U.S.C. § 1151) or in an Alaskan Native village, if the most reliable data available with respect to the month or a period that includes the month indicate that at least 50% of the adults living in Indian country or in the Alaskan Native village were not employed.

(e) The Mayor may exempt an assistance unit from the requirements of subsection (a) of this section by reason of hardship or if the assistance unit includes an individual who has been battered or subject to extreme cruelty. For purposes of this subsection, an individual has been battered or subject to extreme cruelty if that individual has been subjected to:

(1) Physical acts that resulted in, or threatened to result in, physical injury to the individual;

(2) Sexual abuse;

(3) Sexual activity involving a dependent child;

(4) Forced engagement in nonconsensual sexual acts or activities;

(5) Threats of, or attempts at, physical or sexual abuse;

(6) Mental abuse; or

(7) Neglect or deprivation of medical care.

(f) A monthly average of no more than 20% of the average monthly number of assistance units for which federally-funded TANF benefits are provided during the current fiscal year or the prior fiscal year (as the Mayor may elect) may be exempt under subsection (e) of this section. (Apr. 6, 1982, D.C. Law 4-101, § 511a, as added Apr. 20, 1999, D.C. Law 12-241, § 2(n), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of section. — Section 2(f) of D.C. Law 12-7 added this section to read as follows:

“§ 3-205.11a Time limit for receipt of TANF benefits.

“(a) Federally-funded TANF benefits shall not be provided to any assistance unit that includes an adult who has received federally-funded TANF benefits for 60 months (whether or not consecutive) after the effective date of the Public Assistance Emergency Amendment Act of 1997.

“(b) In determining the number of months for which a parent or pregnant individual has received federally-funded TANF benefits, the District shall disregard any month for which TANF benefits were provided with respect to the individual when the individual was:

“(1) A minor child; and

“(2) Not the head of a household or married to the head of a household.

“(c) In determining the number of months for which an adult has received federally-funded TANF benefits, any month shall be disregarded if during that month the adult lived on an Indian reservation or in an Alaskan Native village, if during the month at least 1,000 individuals were living on the reservation or in the village and at least 50% of the adults living on the reservation or in the village were unemployed.

“(d) The Mayor may exempt an assistance unit from the requirements of subsection (a) of this section by reason of hardship or if the assistance unit includes an individual who has been battered or subject to extreme cruelty. For purposes of this subsection, an individual has been battered or subject to extreme cruelty if that individual has been subjected to:

“(1) Physical acts that resulted in, or threatened to result in, physical injury to the individual;

“(2) Sexual abuse;

“(3) Sexual activity involving a dependent child;

“(4) Forced engagement in nonconsensual sexual acts or activities, and the individual is a caretaker relative of a dependent child;

“(5) Threats of, or attempts at, physical or sexual abuse;

“(6) Mental abuse; or

“(7) Neglect or deprivation of medical care.

“(e) No more than 20% of the average monthly number of assistance units for which federally-funded TANF benefits are provided may be exempt under subsection (d) of this section.”

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(f) of D.C. Law 12-130 added this section to read as follows:

“§ 3-205.11a Time limit for receipt of TANF benefits.

“(a) Federally-funded TANF benefits shall not be provided to any assistance unit that includes an adult who has received federally-funded TANF benefits for 60 months (whether or not consecutive) after the effective date of the Public Assistance Emergency Amendment Act of 1997.

“(b) In determining the number of months for which a parent or pregnant individual has received federally-funded TANF benefits, the District shall disregard any month for which TANF benefits were provided with respect to the individual when the individual was:

“(1) A minor child; and

“(2) Not the head of a household or married to the head of a household.

“(c) In determining the number of months for which an adult has received federally-funded TANF benefits, any month shall be disregarded if during that month the adult lived on an Indian reservation or in an Alaskan Native village, if during the month at least 1,000 individuals were living on the reservation or in the village and at least 50% of the adults living on the reservation or in the village were unemployed.

“(d) The Mayor may exempt an assistance unit from the requirements of subsection (a) of this section by reason of hardship or if the assistance unit includes an individual who has been battered or subject to extreme cruelty. For purposes of this subsection, an individual has been battered or subject to extreme cruelty if that individual has been subjected to:

“(1) Physical acts that resulted in, or threatened to result in, physical injury to the individual;

“(2) Sexual abuse;

“(3) Sexual activity involving a dependent child;

“(4) Forced engagement in nonconsensual sexual acts or activities, and the individual is a caretaker relative of a dependent child;

“(5) Threats of, or attempts at, physical or sexual abuse;

“(6) Mental abuse; or

“(7) Neglect or deprivation of medical care.

“(e) No more than 20% of the average monthly number of assistance units for which federally-funded TANF benefits are provided may be exempt under subsection (d) of this section.”

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(n) of D.C. Law 12-230 added this section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act

of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary addition of section, see § 2(f) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 2(f) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), § 2(f) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-306, March 20, 1998, 44 DCR 1900).

Section 7 of D.C. Law 12-77 provides for the application of the act.

Section 7 of D.C. Law 12-306 provides for the application of the act.

For temporary addition of section, see § 2(n) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June

9, 1998, 45 DCR 4270), § 2(n) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(n) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(n) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.12. Food stamp coupon allotment disregarded.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 512, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(o), 46 DCR 905.)

Temporary repeal of section. — Section 2(o) of D.C. Law 12-230 repealed this section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of §§ 3-205.12 and 3-205.13, see § 2(o) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(o) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(o) of the Self-Sufficiency Promotion Congressional

Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(o) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.13. Enumerated income disregarded.

Repealed.

(Mar. 20, 1998, D.C. Law 12-60, § 701(g), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(p), 46 DCR 905.)

Temporary amendment of section. — Section 2(x) of D.C. Law 12-130 had amended this section to read as follows:

“For all categories of assistance, the following income will be disregarded:

“(6) Any other federal benefits currently excluded by federal law, regulation, or policy directive from countable income for purposes of the TANF program.”

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of section. — Section 2(p) of D.C. Law 12-230 repealed this section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment

Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D. C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 2(p) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(p) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(p) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C.

Act 12-552, December 24, 1998, 46 DCR 521), and § 2(p) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.13a. Treatment of payment for costs of work participation.

A stipend, allowance, or any other payment to a public assistance recipient reimbursing the recipient for the reasonable costs of participation in a work activity (as described in § 3-205.19d(c)) shall be excluded from income only to the extent any such stipend, allowance, or other payment would be excluded from income under the Food Stamp Program pursuant to 7 U.S.C. § 2011 et seq. and 7 C.F.R. § 273.9(b) and (c). (Apr. 6, 1982, D.C. Law 4-101, § 513a, as added Apr. 20, 1999, D.C. Law 12-241, § 2(q), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of section. — Section 2(q) of D.C. Law 12-230 added this section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary addition of section, see § 2(q) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(q) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(q) of the

Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(q) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.14. Determination of GPA need standard.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 514, 29 DCR 1060; March 20, 1998, D.C. Law 12-60, § 701(h), 44 DCR 7378.)

Temporary repeal of section. — Section 2(h) of D.C. Law 12-21 repealed this section.

Section 7 of D.C. Law 12-21 provides that the act shall apply as of May 1, 1997.

Section 8(b) of D.C. Law 12-21 provides that the act shall expire on the 225th day of its having taken effect.

Section 701(h) of D.C. Law 12-59 repealed this section.

Section 2001(b) of D.C. Law 12-59 provided

that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Legislative history of Law 12-21. — See note to § 3-201.1.

Legislative history of Law 12-59. — See note to § 3-201.1.

Legislative history of Law 12-60. — See note to § 3-201.1.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 3-205.15. Standards for inclusion in TANF assistance unit.

(a) An application on behalf of a dependent child shall include in the TANF assistance unit the following individuals, if living in the same household as the dependent child and otherwise eligible:

(1) The parent or parents of a dependent child, except that a parent who marries a person with whom the parent does not have any child in common shall not be included in the dependent child's assistance unit;

(2) All blood-related, half-blooded-related, and adopted brothers and sisters of the dependent child who are themselves dependent children under age 18 or age 18 and expected to complete high school before reaching age 19; and

(3) All dependent children living in the same household who are related by blood, half-blood, or legal adoption to any other member of the assistance unit by a relationship that would qualify an adult as a caretaker relative of that other member of the assistance unit as defined in § 3-201.1(1C).

(b) For the purposes of subsection (a) of this section, the Mayor shall determine the meaning of the term "full-time student", shall determine which vocational or technical training courses are equivalent to the level of secondary school, and shall determine which factors will be considered in deciding whether an individual may reasonably be expected to complete the program of study or training before reaching age 19.

(c) In order to be included in an TANF assistance unit under this section, a dependent child aged 16 or 17 years must be enrolled in a program of secondary education or vocational or technical training.

(d) An application on behalf of a dependent child may include in the TANF assistance unit a caretaker relative other than a parent, provided that neither parent is living in the home and the caretaker relative requests to be included, meets each eligibility requirement, and lives in the same household as the dependent child.

(e) Individuals who are ineligible to receive TANF, and who shall be excluded from the TANF assistance unit during the period of ineligibility, shall include:

(1) An individual who receives SSI benefits;

(2) An alien who is ineligible for TANF as a result of the deeming of a sponsor's income and resources to the alien pursuant to § 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2105; 8 U.S.C. § 1631);

(3) An alien who is ineligible for TANF because the alien does not meet the citizenship and alienage requirements of § 3-205.24(a);

(4) An individual who is ineligible for TANF as the result of the imposition of a sanction;

(5) An individual who is ineligible for TANF, pursuant to § 3-205.33, due to receipt of lump-sum income; and

(6) A parent, or minor child, who marries a person with whom the parent, or minor child, does not have a child in common. (Sept. 26, 1995, D.C. Law

11-52, § 502(c), 42 DCR 3684; Apr 20, 1999, D.C. Law 12-241, § 2(r), 46 DCR 905.)

Effect of amendments. — D.C. Law 11-52 repealed (1)(C).

D.C. Law 12-241 rewrote the section.

Temporary amendment of section. — Section 502(c) of D.C. Law 10-253 repealed (1)(C).

Section 1301(b) of D.C. Law 10-253 provided that the act shall expire on the 225th day of its having taken effect or upon the effective date of the Multiyear Budget Spending Reduction and Support Act of 1995, whichever occurs first.

Section 2(x) of D.C. Law 12-7 amended this section to read as follows:

“§ 3-205.15. Standards for inclusion in TANG assistance unit.

“An assistance unit is composed of each person whose needs, income, and assets are combined in determining eligibility for TANF and the amount of assistance payable.

“(1) An application on behalf of a dependent child shall include in the TANF assistance unit the following individuals, if living in the same household as the dependent child and otherwise eligible:

“(2) An application on behalf of a dependent child may include in the TANF assistance unit each of the following individuals, provided that the individual requests to be included, meets each eligibility requirement, and lives in the same household as the dependent child:

“(3) Individuals who are ineligible to receive TANF and who shall be excluded from the TANF assistance unit during the period of ineligibility include:

“(A) Parent(s) and sibling(s) who receive SSI benefits;

“(B) Parent(s) and sibling(s) who are aliens and are ineligible for TANF because they have been sponsored by an agency or organization or because of the application of sponsor-to-alien deeming provisions in accordance with 42 U.S.C. § 615;

“(C) Parent(s) and sibling(s) who are aliens and are ineligible for TANF because they do not meet the citizenship and alienage requirements of 42 U.S.C. § 602(a)(33);

“(D) Parent(s) and sibling(s) who are ineligible for TANF as the result of the imposition of a sanction; and

“(E) Parent(s) and sibling(s) who are ineligible for TANF due to receipt of lump-sum income.”

Section 7(b) of D.C. Law 12-7 provided that the act shall expire after 225 days of its having taken effect.

Section 2(x) of D.C. Law 12-130 substituted “TANF” for “AFDC” throughout the section.

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(r) of D.C. Law 12-230 rewrote the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 502(c) of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994 (D.C. Act 10-389, December 29, 1994, 42 DCR 197).

For temporary amendment of section, see § 502(c) of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

Section 7 of D.C. Act 12-77 provides for the application of the act.

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provides for the application of the act.

For temporary amendment of section, see § 2(r) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(r) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(r) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(r) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 10-253. — See note to § 3-205.15.

Legislative history of Law 11-52. — See note to § 3-204.6.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.16. Contribution guidelines for nonassistance unit children.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 516, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(s), 46 DCR 905.)

Temporary repeal of section. — Section 2(s) of D.C. Law 12-230 repealed this section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 2(s) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(s) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(s) of the Self-Sufficiency Promotion Congressional Review Emer-

gency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(s) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.17. Definitions.

Repealed.

(Apr. 16, 1982, D.C. Law 4-101, § 517, 29 DCR 1060; Mar. 14, 1984, D.C. Law 5-53, § 2(a), 30 DCR 6278; Apr. 20, 1999, D.C. Law 12-241, § 2(t), 46 DCR 905.)

Temporary amendment of section. — Section 2(x) of D.C. Law 12-130 had amended this section to read as follows:

“For the purposes of §§ 3-205.18 through 3-205.25, the term:

“(4) ‘Stepparent’ means a person who is living in the home of the children for whom TANF is requested and who is legally married to the natural or adoptive parent of the children.”

Section 7(b) of the D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of section. — Section 2(t) of D.C. Law 12-230 repealed this section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides

that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 2(t) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(t) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(t) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(t) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.18. Child's eligibility.

(a) A needy child is eligible for TANF when he is deprived of parental support or care by reason of the death, continued absence from the home, or the physical or mental incapacity of a parent, or the unemployment of his parent who is the principal earner.

(b) Both need and deprivation must exist in all TANF cases without regard to whether one resulted from the other.

(c) Repealed.

(d)(1) A minor child otherwise eligible for TANF benefits under this section, who has been, or is expected by a parent, guardian, or other caretaker to be absent from the home for more than 90 consecutive days shall be ineligible to receive federally-funded TANF benefits unless the Mayor determines, in accordance with rules promulgated by the Mayor, that there is good cause for the child to be absent from the home for more than 90 days and continue to receive TANF benefits.

(2) A parent, guardian, or other caretaker of a minor child shall be determined ineligible to receive federally-funded TANF benefits if the parent, guardian, or caretaker fails to notify the Mayor of the absence of the child from the home after the 5-day period beginning with the date on which it becomes clear to the parent, guardian, or caretaker that the child will be absent from the home for more than 90 consecutive days.

(e) Nothing in this section shall be interpreted to preclude the Mayor from sanctioning any or all members of an assistance unit for failure to comply with TANF program rules, if such sanction is otherwise permitted under this chapter. (Apr. 6, 1982, D.C. Law 4-101, § 518, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(u), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 substituted "TANF" for "AFDC" in (a) and (b); repealed (c); and added (d) and (e).

Temporary amendment of section. — Section 2(x) of D.C. Law 12-7 amended (a) and (b), and § 2(g) of D.C. Law 12-7 added (d) and (e), to read as follows:

"(a) A needy child is eligible for TANF when he is deprived of parental support or care by reason of the death, continued absence from the home, or the physical or mental incapacity of a parent, or the unemployment of his parent who is the principal earner.

"(b) Both need and deprivation must exist in all AFDC cases without regard to whether one resulted from the other.

"(d) A minor child otherwise eligible for TANF benefits under subsection (a) of this section, who has been, or is expected by a parent or other caretaker relative to be, absent from the home for more than 90 consecutive days is ineligible to receive federally-funded TANF benefits.

"(e) A parent or other caretaker relative of a minor child shall be determined ineligible to receive federally-funded TANF benefits if the parent or caretaker relative fails to notify the Mayor of the absence of the child from the home after the 5-day period beginning with the date on which it becomes clear to the parent or caretaker relative that the child will be absent from the home for more than 90 consecutive days."

Section 7(b) of D.C. Law 12-7 provided that the act shall expire after 225 days of its having taken effect.

Section 2(g) of D.C. Law 12-130 added (d) and (e) to read as follows:

"(d) A minor child otherwise eligible for TANF benefits under subsection (a) of this section, who has been, or is expected by a parent or other caretaker relative to be, absent from the home for more than 90 consecutive days is ineligible to receive federally-funded TANF benefits."

"(e) A parent or other caretaker relative of a minor child shall be determined ineligible to receive federally-funded TANF benefits if the parent or caretaker relative fails to notify the

Mayor of the absence of the child from the home after the 5-day period beginning with the date on which it becomes clear to the parent or caretaker relative that the child will be absent from the home for more than 90 consecutive days.”

Section 2(x) of D.C. Law 12-130 substituted “TANF” for “AFDC” in (a) and (b).

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(u) of D.C. Law 12-230 substituted “TANF” for “AFDC” in (a) and (b); repealed (c); and added (d) and (e).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, July 24, 1998 (D.C. Law 12-230; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(g) and (x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(g) and (x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

Section 7 of D.C. Act 12-77 provides for the application of the act.

For temporary amendment of section, see §§ 2(g) and (x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provides for the application of the act.

For temporary amendment of section, see § 2(u) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(u) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(u) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(u) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.19. Application; assignment of rights for child support.

(a) Application for public assistance shall be accepted from, or on behalf of, any person who believes himself or herself eligible for public assistance. The application shall be made in the manner and form prescribed by the Council, and shall contain such information as the Mayor shall require.

(b) As a condition of eligibility for public assistance, each applicant or recipient shall assign to the District any rights to support from any other person that the applicant or recipient may have in the applicant’s or recipient’s own behalf, or on behalf of any other family member for whom the applicant or recipient is applying for or is receiving assistance.

(c) The assignment referred to in subsection (b) of this section:

(1) Is effective as to both current and accrued child support obligations, except as limited by paragraph (4) of this subsection;

(2) Takes effect upon a determination that the applicant is eligible for assistance;

(3) Terminates when an applicant ceases to receive assistance except with respect to the amount of any unpaid support obligation accrued under the assignment, as limited by paragraph (4) of this subsection; and

(4) With respect to an applicant or recipient of TANF or POWER benefits, shall not exceed the total amount of cash assistance provided to the family and

shall not apply with respect to any support, other than support collected pursuant to § 464 of the Social Security Act, approved August 13, 1981 (95 Stat. 860; 42 U.S.C. § 664), that accrued before the family received TANF or POWER benefits and that the District has not collected by:

(A) September 30, 2000, if the assignment is executed on or after October 1, 1997, and before October 1, 2000; or

(B) The date that the family ceases to receive assistance, if the assignment is executed on or after October 1, 2000. (Apr. 6, 1982, D.C. Law 4-101, § 519, 29 DCR 1060; Feb. 24, 1987, D.C. Law 6-166, § 33(b), 33 DCR 6710; Apr. 20, 1999, D.C. Law 12-241, § 2(v), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 rewrote (b) and (c).

Temporary amendment of section. — Section 2(h) of D.C. Law 12-7 amended (b) and (c) to read as follows:

“(b) As a condition of eligibility for assistance, each applicant or recipient shall assign to the District any rights to support from any other person that the applicant or recipient may have in the applicant’s or recipient’s own behalf, or on behalf of any other family member for whom the applicant or recipient is applying for or is receiving assistance.

“(c) The assignment referred to in subsection (b) of this section:

“(1) Is effective as to both current and accrued child support obligations, except as limited by paragraph (4) of this subsection;

“(2) Takes effect upon a determination that the applicant is eligible for assistance;

“(3) Terminates when an applicant ceases to receive assistance except with respect to the amount of any unpaid support obligation accrued under the assignment as limited by paragraph (4) of this subsection; and

“(4) With respect to an applicant or recipient of TANF benefits, shall not exceed the total amount of cash assistance provided to the family and shall not apply with respect to any support, other than support collected pursuant to § 464 of the Social Security Act, that accrued before the family received TANF benefits and that the District has not collected by:

“(A) September 30, 2000, if the assignment is executed on or after October 1, 1997, and before October 1, 2000; or

“(B) The date that the family ceases to receive assistance, if the assignment is executed on or after October 1, 2000.”

Section 7(b) of D.C. Law 12-7 provided that the act shall expire after 225 days of its having taken effect.

Section 2(h) of D.C. Law 12-130 rewrote (b) and (c).

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(v) of D.C. Law 12-230 rewrote (b) and (c).

Section 18(b) of D.C. Law 12-230 provides

that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(h) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(h) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(h) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provides for the application of the act.

For temporary amendment of section, see § 2(v) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(v) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(v) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(v) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.19a. Redetermination of eligibility.

For purposes of sections §§ 3-205.19b, 3-205.19c, 3-205.19f, and 3-205.19g, a TANF recipient shall be considered an applicant for TANF benefits at each time of redetermination of eligibility for TANF. When a current TANF recipient is considered to be an applicant pursuant to this subsection, the Mayor may require the individual to participate in a work activity other than job search or job readiness in order to comply with this section, and § 3-205.19c shall apply if the individual fails to comply with any such work activity that the Mayor may require. (Apr. 6, 1982, D.C. Law 4-101, § 519a, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of sections. — Section 2(i) of D.C. Law 12-7 added this section to read as follows:

“§ 3-205.19a. Employment program.

“(a) The District shall continue to operate the program established under Title IV-F of the Social Security Act, in compliance with Title IV-F of the Social Security Act, 45 C.F.R. §§ 250.0 through 250.78 and 251.0 through 251.5, and the District of Columbia Job Opportunities and Basic Skills state plan, as each was in effect on August 21, 1996, consistent with the provisions of the Public Assistance Emergency Amendment Act of 1997.

“(b) The Mayor shall make a preliminary assessment of the skills, prior work experience, employability, and barriers to employment of each applicant for TANF benefits at the time of application for TANF benefits.

“(c) Following any preliminary assessment, an applicant who does not have paid employment of at least 20 hours per week and who is not required to meet the school attendance requirements of § 3-205.65 shall be required to sign an agreement to participate in job search or job readiness activities as a condition of eligibility for TANF benefits. The Mayor shall determine the nature and scope of the activities based on the preliminary assessment. In no event shall the Mayor require the applicant to participate in job search or job readiness activities for more than 25 hours per week.

“(d) An assessment of the skills, prior work experience, employability, and barriers to employment of each applicant for TANF benefits may be made after the applicant is determined eligible to receive TANF benefits. If an assessment is made after the applicant is determined eligible, the assessment may be completed as follows:

“(1) With respect to a recipient who was receiving Aid to Families with Dependent Children in the District as of the effective date of the Public Assistance Emergency Amendment Act of 1997, the assessment may be completed within 180 days after the effective date of the Public Assistance Emergency Amendment Act of 1997; and

“(2) With respect to all other recipients, the assessment may be completed within 90 days after the applicant is determined eligible to receive TANF benefits.

“(e)(1) Following any post-eligibility assessment, each recipient of TANF benefits shall develop an individual responsibility plan with the Mayor that describes the steps that the recipient is required to take to achieve self-sufficiency and the services that the District shall provide to assist the recipient in attaining self-sufficiency. The individual responsibility plan shall be based on the assessments.

“(2) This subsection shall apply only to a recipient who has been assessed under this section.

“(f) Subject to the exemptions listed in 45 C.F.R. § 250.30(b), a recipient who has developed an individual responsibility plan with the Mayor shall be required, as part of that plan, to participate in work activities, which may include one or more of the following:

- “(1) Unsubsidized employment;
- “(2) Subsidized private sector employment;
- “(3) Subsidized public sector employment;
- “(4) Work experience;
- “(5) On-the-job training;
- “(6) Job search and job readiness assistance;
- “(7) Community service;
- “(8) Vocational education training;
- “(9) Job skills training directly related to employment;

“(10) Education; or

“(11) Provision of child care services to an individual who is participating in a community service program.

“(g) Each individual responsibility plan shall periodically be reviewed and revised, as appropriate.

“(h) For purposes of this section, an adult or minor head of household who is receiving Aid to Families with Dependent Children on the effective date of the Public Assistance Emergency Amendment Act of 1997 may be considered an applicant for TANF benefits at the time of the first redetermination following the effective date of the Public Assistance Emergency Amendment Act of 1997.

“(i) Notwithstanding subsection (a) of this section and § 3-205.19(b), nothing in this act

shall be construed to confer an entitlement to children for any person."

Section 7(b) of D.C. Law 12-7 provided that the act shall expire after 225 days of its having taken effect.

Section 2(i) of D.C. Law 12-130 added this section to read as follows:

"§ 3-205.19a. Employment program.

"(a) The District shall continue to operate the program established under title IV-F of the Social Security Act, in compliance with title IV-F of the Social Security Act, 45 C.F.R. §§ 250.0 through 250.78 and 251.0 through 251.5, and the District of Columbia Job Opportunities and Basic Skills state plan, as each was in effect on August 21, 1996, consistent with the provisions of the Public Assistance Emergency Amendment Act of 1997.

"(b) The Mayor shall make a preliminary assessment of the skills, prior work experience, employability, and barriers to employment of each applicant for TANF benefits at the time of application for TANF benefits.

"(c) Following any preliminary assessment, an applicant who does not have paid employment of at least 20 hours per week and who is not required to meet the school attendance requirements of § 3-205.65 shall be required to sign an agreement to participate in job search or job readiness activities as a condition of eligibility for TANF benefits. The Mayor shall determine the nature and scope of the activities based on the preliminary assessment. In no event shall the Mayor require the applicant to participate in job search or job readiness activities for more than 25 hours per week.

"(d) An assessment of the skills, prior work experience, employability, and barriers to employment of each applicant for TANF benefits may be made after the applicant is determined eligible to receive TANF benefits. If an assessment is made after the applicant is determined eligible, the assessment may be completed as follows:

"(1) With respect to a recipient who was receiving Aid to Families with Dependent Children in the District as of the effective date of the Public Assistance Emergency Amendment Act of 1997, the assessment may be completed within 180 days after the effective date of the Public Assistance Emergency Amendment Act of 1997; and

"(2) With respect to all other recipients, the assessment may be completed within 90 days after the applicant is determined eligible to receive TANF benefits.

"(e)(1) Following any post-eligibility assessment, each recipient of TANF benefits shall develop an individual responsibility plan with the Mayor that describes the steps that the recipient is required to take to achieve self-sufficiency and the services that the District shall provide to assist the recipient in attaining self-sufficiency. The individual responsibility plan shall be based on the assessments.

"(2) This subsection shall apply only to a recipient who has been assessed under this section.

"(f) Subject to the exemptions listed in 45 C.F.R. § 250.30(b), a recipient who has developed an individual responsibility plan with the Mayor shall be required, as part of that plan, to participate in work activities, which may include one or more of the following:

"(1) Unsubsidized employment;

"(2) Subsidized private sector employment;

"(3) Subsidized public sector employment;

"(4) Work experience;

"(5) On-the-job training;

"(6) Job search and job readiness assistance;

"(7) Community service;

"(8) Vocational education training;

"(9) Job skills training directly related to employment;

"(10) Education; or

"(11) Provision of child care services to an individual who is participating in a community service program.

"(g) Each individual responsibility plan shall periodically be reviewed and revised, as appropriate.

"(h) For purposes of this section, an adult or minor head of household who is receiving Aid to Families with Dependent Children on the effective date of the Public Assistance Emergency Amendment Act of 1997 may be considered an applicant for TANF benefits at the time of the first redetermination following the effective date of the Public Assistance Emergency Amendment Act of 1997.

"(i) Notwithstanding subsection (a) of this section and § 3-205.19(b), nothing in this subchapter shall be construed to confer an entitlement to children for any person."

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(w) of D.C. Law 12-230 added §§ 3-205.19a through 3-205.19l.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary addition of §§ 3-205.19a and 3-205.19b, see § 2(i) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and §§ 3-205.19a and 3-205.19b, see § 2(i) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary addition of §§ 3-205.19a and

3-205.19b, see § 2(i) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provides for the application of the act.

For temporary addition of §§ 3-205.19a through 3-205.19l, see § 2(w) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(w) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(w) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(w) of the Self-

Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.19b. Job search and job readiness requirements for TANF applicants.

(a) At the time of application for TANF benefits, each adult or minor head of an assistance unit applying for TANF benefits should receive a preliminary assessment of their skills, prior work experience, employability, and barriers to employment.

(b) Following the preliminary assessment, an applicant in a single-parent assistance unit who is not engaged in paid employment for at least 20 hours per week (or an average of 80 hours per month) during the period of October 1, 1997, through September 30, 1998, at least 25 hours per week (or an average of 100 hours per month) during the period of October 1, 1998, through September 30, 1999, or at least 30 hours per week (or an average of 120 hours per month) after September 30, 1998, and who is not required to meet the school attendance requirements of § 3-205.65 shall be required to sign and comply with an agreement to participate in job search or job readiness activities as a condition of eligibility for TANF benefits, unless the applicant is exempt pursuant to § 3-205.19f. The Mayor shall determine the nature and scope of the activities based on the preliminary assessment. In no event shall the Mayor require the applicant to participate in job search or job readiness activities for more than 35 hours per week.

(c) Following the preliminary assessment, each parent in a 2-parent assistance unit who is not engaged in paid employment for at least 35 hours per week (or an average of 140 hours per month) and who is not required to meet the school attendance requirements of § 3-205.65 shall be required to sign and comply with an agreement to participate in job search or job readiness activities as a condition of eligibility for TANF benefits, unless the applicant is exempt pursuant to § 3-205.19f, or the other parent in the family is engaged in paid employment and the 2 parents together work for at least 35 hours per week (or for at least 55 hours per week, if the family receives federally-funded child care and no adult in the family is disabled, or caring for a child disability). The Mayor shall determine the nature and scope of the activities based on the preliminary assessment. In no event shall the Mayor require the applicant to participate in job search or job readiness activities for more hours than would be necessary for the combined number of hours of participation of both parents to equal 35 hours per week (or 55 hours per week, if the family receives

federally-funded child care and no adult in the family is disabled, or caring for a child with a disability).

(d) The Mayor shall promulgate rules to:

(1) Screen and identify applicants with a history of domestic violence while maintaining the confidentiality of such persons;

(2) Refer such individuals to counseling and supportive services; and

(3) Waive, pursuant to a determination of good cause, other program requirements in cases where compliance with such requirements would make it more difficult for such individuals to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence. (Apr. 6, 1982, D.C. Law 4-101, § 519b, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of section. — Section 2(i) of D.C. Law 12-7 added this section to read as follows:

“§ 3-205.19b. Refusal to comply with individual responsibility plan.

“(a) If an adult recipient or minor head of household recipient refuses, without good cause, to comply with the requirements of an individual responsibility plan developed pursuant to § 3-205.19a(e), the refusal shall be considered the same, for purposes of 45 C.F.R. § 250.34 as in effect on August 21, 1996, as a failure of a person required to participate in the JOBS program to comply with the JOBS program.

“(b) TANF benefits shall not be reduced based on the refusal of a recipient to participate in work activities if the recipient is a single custodial parent caring for a child under 6 years old, and the recipient proves that the recipient has a demonstrated inability, as determined by the Mayor, to obtain needed child care for 1 or more of the following reasons:

“(1) Appropriate child care within a reasonable distance from the recipient's home or work site is unavailable;

“(2) Informal child care by a relative or under other arrangements is unavailable or unsuitable; or

“(3) Appropriate and affordable formal child care arrangements are unavailable.

“(c) TANF benefits shall not be reduced based on the refusal of a recipient to participate in work activities if neither an assessment has been made nor an individual responsibility plan developed with the Mayor.

“(d) Notwithstanding subsection (c) of this section, a recipient's TANF benefits may be reduced or terminated if that recipient quits paid employment without good cause or voluntarily reduces income without good cause within 45 days before the determination of eligibility for TANF or during the period in which the recipient receives TANF.”

Section 7(b) of D.C. Law 12-7 provided that

the act shall expire after 225 days of its having taken effect.

Section 2(i) of D.C. Law 12-130 added this section to read as follows:

“§ 3-205.19b. Refusal to comply with individual responsibility plan.

“(a) If an adult recipient or minor head of household recipient refuses, without good cause, to comply with the requirements of an individual responsibility plan developed pursuant to § 3-205.19a(e), the refusal shall be considered the same, for purposes of 45 C.F.R. § 250.34 as in effect on August 21, 1996, as a failure of a person required to participate in the JOBS program to comply with the JOBS program.

“(b) TANF benefits shall not be reduced based on the refusal of a recipient to participate in work activities if the recipient is a single custodial parent caring for a child under 6 years old, and the recipient proves that the recipient has a demonstrated inability, as determined by the Mayor, to obtain needed child care for one or more of the following reasons:

“(1) Appropriate child care within a reasonable distance from the recipient's home or work site is unavailable;

“(2) Informal child care by a relative or under other arrangements is unavailable or unsuitable; or

“(3) Appropriate and affordable formal child care arrangements are unavailable.

“(c) TANF benefits shall not be reduced based on the refusal of a recipient to participate in work activities if neither an assessment has been made nor an individual responsibility plan developed with the Mayor.

“(d) Notwithstanding subsection (c) of this section, a recipient's TANF benefits may be reduced or terminated if that recipient quits paid employment without good cause or voluntarily reduces income without good cause within 45 days before the determination of eligibility for TANF or during the period in which the recipient receives TANF.”

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Temporary addition of §§ 3-205.19a through 3-205.19l. — See note to § 3-205.19a.

Temporary repeal of D.C. Law 12-130. — See note to § 3-205.19a.

Emergency act amendments. — For temporary addition of section, see note to § 3-205.19a.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.19c. Failure to comply with job search and job readiness requirements for TANF applicants.

(a) If a TANF applicant who is not exempt pursuant to § 3-205.19g(a) fails, without good cause, to participate in job search or job readiness activities pursuant to § 3-205.19b, the failure shall result in a sanction pursuant to § 3-205.19f.

(b) The Mayor shall promulgate rules defining what constitutes good cause for failure to participate in job search or job readiness activities, in addition to those circumstances described in subsections (c), (d), and (e) of this subsection. The rules promulgated by the Mayor shall require that notice be provided to TANF applicants of what constitutes good cause for failure to participate in job search or job readiness activities.

(c) The Mayor shall not sanction a TANF applicant based on the failure of an applicant to participate in job search or job readiness activities if the Mayor has failed to make a preliminary assessment pursuant to § 3-205.19b(a).

(d) The Mayor shall not sanction a TANF applicant based on the failure of a TANF applicant to participate in job search or job readiness activities if the applicant is a single custodial parent caring for a child under 6 years old, and the applicant proves that he or she has a demonstrated inability, as determined by the Mayor, to obtain needed child care for one or more of the following reasons:

(1) Appropriate child care within a reasonable distance from the applicant's home or work site is unavailable;

(2) Informal child care by a relative or under other arrangements is unavailable or unsuitable; or

(3) Appropriate and affordable formal child care arrangements are unavailable.

(e)(1) The Mayor shall not sanction a TANF applicant for failure to participate in job search or job readiness activities if the Mayor controls the availability of placements in those activities and a placement in those activities is not available to the applicant.

(2) This subsection shall not apply if the Mayor makes a placement in another activity available to the applicant, provided that the replacement activity is consistent with the terms of the applicant's agreement to participate in job search or job readiness activities.

(f) Notwithstanding subsection (c), (d), or (e) of this section, the Mayor may sanction a TANF applicant if the applicant quits paid employment without good cause or voluntarily reduces income without good cause within 60 days before the determination of eligibility for TANF. (Apr. 6, 1982, D.C. Law 4-101, § 519c, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of §§ 3-205.19a through 3-205.19l. — See note to § 3-205.19a.

Emergency act amendments. — For temporary addition of section, see note to § 3-205.19a.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.19d. Work participation requirements for TANF recipients.

(a) The Mayor may make an assessment of the skills, prior work experience, employability, and barriers to employment of each TANF recipient who is an adult or minor head of an assistance unit after the recipient is determined eligible to receive TANF benefits.

(b) If the Mayor has assessed a TANF recipient pursuant to subsection (a) of this section, the TANF recipient shall develop an individual responsibility plan with the Mayor that describes the steps that the recipient is required to take to achieve self-sufficiency, and the services that the District shall provide to assist the recipient in attaining self-sufficiency. The individual responsibility plan shall be based on the recipient's preliminary assessment at application and the post-eligibility assessment.

(c) Subject to the exemptions listed in § 3-205.19g(b), a recipient who has developed an individual responsibility plan with the Mayor shall be required, as part of that plan, to participate in work activities, which may include one or more of the following:

- (1) Unsubsidized employment;
- (2) Subsidized private sector employment;
- (3) Subsidized public sector employment;
- (4) Work experience;
- (5) On-the-job training;
- (6) Job search and job readiness assistance;
- (7) Community service;
- (8) Vocational education training;
- (9) Job skills training directly related to employment;
- (10) Education; or

(11) Provision of child care services to an individual who is participating in a community service program.

(d) The Mayor shall periodically review each individual responsibility plan and revise each plan, if appropriate.

(e) Notwithstanding any other provision of this subchapter, nothing in this subchapter shall be construed to confer an entitlement to child care for any person. (Apr. 6, 1982, D.C. Law 4-101, § 519d, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of §§ 3-205.19a through 3-205.19l. — See note to § 3-205.19a.

Emergency act amendments. — For temporary addition of section, see note to § 3-205.19a.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.19e. Failure to comply with work requirements for TANF recipients.

(a) If a nonexempt TANF recipient fails, without good cause, to participate in an assessment pursuant to § 3-205.19d(a), to enter into an individual responsibility plan developed pursuant to § 3-205.19d(b), or to comply with the terms of such a plan, the failure shall result in a sanction pursuant to § 3-205.19f.

(b) The Mayor shall promulgate rules defining what constitutes good cause for failure to comply with an individual responsibility plan, in addition to those circumstances described in subsections (c), (d), and (e) of this section. The rules promulgated by the Mayor shall require that notice be provided to TANF recipients of what constitutes good cause for failure to comply with an individual responsibility plan.

(c) The Mayor shall not sanction a TANF recipient based on the failure of the recipient to participate in work activities if the recipient is a single custodial parent caring for a child under 6 years old, and the recipient proves that the recipient has a demonstrated inability, as determined by the Mayor, to obtain needed child care for one or more of the following reasons:

(1) Appropriate child care within a reasonable distance from the recipient's home or work site is unavailable;

(2) Informal child care by a relative or under other arrangements is unavailable or unsuitable; or

(3) Appropriate and affordable formal child care arrangements are unavailable.

(d) The Mayor shall not sanction a TANF recipient based on the failure of the recipient to participate in work activities if a post-eligibility assessment has not been made or an individual responsibility plan has not been developed with the Mayor.

(e)(1) The Mayor shall not sanction a TANF recipient for failure to participate in work activities specified in an individual responsibility plan if the Mayor provides those activities and placement in those activities is limited such that those services are not yet available to the recipient.

(2) This subsection shall not apply if the Mayor makes a placement in another activity available to the recipient, provided that the replacement activity is consistent with the terms of the recipient's individual responsibility plan.

(f) Notwithstanding subsections (c), (d), or (e) of this section, the Mayor shall sanction a TANF recipient if the recipient quits paid employment without good cause or voluntarily reduces income without good cause within 60 days before the determination of eligibility for TANF or during the period in which the recipient receives TANF. (Apr. 6, 1982, D.C. Law 4-101, § 519e, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of §§ 3-205.19a through 3-205.19l. — See note to § 3-205.19a.

Emergency act amendments. — For temporary addition of section, see note to § 3-205.19a.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.19f. Sanctions.

(a) As a sanction pursuant to §§ 3-205.19c(a) and 3-205.19e(a), the Mayor shall not take into account the noncompliant TANF applicant's or recipient's needs in determining the TANF assistance unit's need for assistance and the amount of the TANF payment. The sanction shall remain in place for the following time periods, consistent with subsection (d) of this section:

(1) Until the applicant or recipient complies with program requirements, or one month, whichever is later, if it is the applicant's or recipient's first sanction;

(2) Until the applicant or recipient complies with program requirements, or 3 months, whichever is later, if it is the applicant's or recipient's second sanction; or

(3) Until the applicant or recipient complies with program requirements, or 6 months, whichever is later, if it is the applicant's or recipient's third or subsequent sanction.

(b) The Mayor shall not consider an applicant or recipient to have complied with program requirements until the individual participates satisfactorily for at least one week.

(c) Notwithstanding subsection (b) of this section, if the Mayor cannot schedule the applicant or recipient for participation, by no fault of the applicant or recipient, the Mayor shall consider the applicant or recipient to have complied on the day the applicant or recipient notifies the Mayor that he or she agrees to participate.

(d) If a sanction terminates because the TANF applicant or recipient complies with program requirements, the applicant or recipient shall not receive TANF benefits for the remainder of the month of compliance, and instead shall begin receiving TANF benefits again in the following month, for the following month, and for subsequent months so long as the recipient continues to comply and remains otherwise eligible.

(e) A TANF applicant or recipient who is aggrieved by the Mayor's action concerning a sanction may seek redress under subchapter X. A TANF applicant or recipient who has been sanctioned shall not be entitled to a conciliation process. (Apr. 6, 1982, D.C. Law 4-101, § 519f, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of §§ 3-205.19a through 3-205.19l. — See note to § 3-205.19a.

Emergency act amendments. — For temporary addition of section, see note to § 3-205.19a.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.19g. Exemptions.

(a) The Mayor shall promulgate rules describing those categories of TANF applicants who are exempt from the requirements of § 3-205.19b(b). The rules promulgated by the Mayor shall require that notice be provided to TANF applicants of the exemptions from the requirements of § 3-205.19b. Exempt TANF applicants shall include, at a minimum:

(1) Minors who are not the head of an assistance unit, including minors in payee-only cases;

(2) Individuals in a single-parent assistance unit who are already working in volunteer employment, work experience, or participating in another activity that has been approved by the Mayor as work participation, if, in the discretion of the Mayor, the participation in the activity is likely to lead to paid employment within the next 3 months, and the individual is participating in the activity for:

(A) 20 hours or more per week, or an average of 80 hours or more per month, during the period of October 1, 1997, through September 30, 1998;

(B) 25 hours or more per week, or an average of 100 hours or more per month, during the period of October 1, 1998, through September 30, 1999; or

(C) 30 hours or more per week, or an average of 120 hours or more per month, after September 30, 1999;

(3) Individuals in a two-parent assistance unit who are already working in volunteer employment, work experience, or participating in another activity that has been approved by the Mayor as work participation, if, in the discretion of the Mayor, the participation in the activity is likely to lead to paid employment within the next 3 months, and the total number of hours in which the individual and the other parent in the assistance unit are participating is at least 35 hours per week (or 55 hours per week, if the family receives federally-funded child care and no adult in the family is disabled or caring for a child with disability).

(4) Single custodial parents caring for a child less than 12 months old;

(5) Applicants more than 60 years old;

(6) With respect to the District-funded portion of TANF, individuals who are enrolled in local, accredited post-secondary educational institutions.

(b) The Mayor shall promulgate rules describing those categories of TANF recipients who are exempt from the requirements of § 3-205.19d(b), (c), and (d). The rules promulgated by the Mayor shall require that notice be provided to TANF recipients of the exemptions from the requirements of § 3-205.19d(b), (c), and (d). Exempt TANF recipients shall include, at a minimum:

(1) Minor who are not the heads of assistance units, including minors in payee-only cases;

(2) Single custodial parents caring for a child less than 12 months old; and

(3) Recipients more than 60 years old.

(c) Any TANF applicant or recipient who is exempt from mandatory participation in job search, job readiness, or work activities shall be permitted to participate in those activities on a voluntary basis to the extent that participation opportunities are available and the District's resources otherwise permit. (Apr. 6, 1982, D.C. Law 4-101, § 519g, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of §§ 3-205.19a through 3-205.19l. — See note to § 3-205.19a.

Emergency act amendments. — For temporary addition of section, see note to § 3-205.19a.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.19h. Administration of job search, job readiness, work, and self-sufficiency activities.

(a) Subject to other applicable provisions of District law, the Mayor may contract with a nongovernmental entity to perform all or part of the operation of job search, job readiness, other work activity, or self sufficiency programs under TANF or POWER with the exception of the following:

- (1) Responsibility for final decision-making on program planning and design, including program participation requirements;
- (2) Defining who is required to participate;
- (3) Defining good cause for failure to participate;
- (4) Issuance of rules and regulations governing participation;
- (5) Defining exemptions from participation;
- (6) Determination and application of sanctions against an individual;
- (7) Providing notice of case actions; and
- (8) Performing fair hearings and administrative reviews pursuant to subchapter X.

(b) Any nongovernmental entity with which the Mayor has contracted regarding job search, job readiness, or work activities shall not have the authority to review, change, or disapprove any administrative decision of the Mayor or otherwise substitute its judgment for that of the Mayor regarding the application of policies, rules, and regulations promulgated by the Mayor or any agency.

(c) Any adverse determination, decision, or action of the nongovernmental entity made or taken with respect to an individual shall be reviewable by the Mayor, pursuant to procedures set forth in rules promulgated by the Mayor.

(d) In selecting a nongovernmental contractor, the Mayor shall take into account past performance in providing similar services, demonstrated effectiveness, fiscal accountability, ability to meet performance standards, other factors the Mayor determines to be appropriate, and any other factors that are required to be considered by District law. (Apr. 6, 1982, D.C. Law 4-101, § 519h, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of §§ 3-205.19a through 3-205.19l. — See note to § 3-205.19a.

Emergency act amendments. — For temporary addition of section, see note to § 3-205.19a.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.19i. Nondiscrimination against TANF and POWER applicants and recipients.

A person's application for, or receipt of, TANF or POWER benefits shall not affect the applicability to that person of District and federal laws prohibiting discrimination. (Apr. 6, 1982, D.C. Law 4-101, § 519i, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of §§ 3-205.19a through 3-205.19l. — See note to § 3-205.19a.

Emergency act amendments. — For temporary addition of section, see note to § 3-205.19a.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.19j. Health and safety standards for TANF and POWER recipients.

TANF and POWER applicants and recipients participating in job search, job readiness, work, or self-sufficiency activities shall be subject to the same health and safety standards established under District and federal laws that apply to other individuals in comparable activities who are not TANF or POWER applicants or recipients. (Apr. 6, 1982, D.C. Law 4-101, § 519j, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of §§ 3-205.19a through 3-205.19l. — See note to § 3-205.19a.

Emergency act amendments. — For temporary addition of section, see note to § 3-205.19a.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.19k. Workers' compensation for TANF recipients.

TANF recipients who are considered employees for purposes of the Fair Labor Standards Act of 1938, approved June 25, 1938 (52 Stat. 1060; 29 U.S.C. § 201 et seq.), shall be covered by Chapter 3 of Title 36 or subchapter XXIV of Chapter 6 of Title 1, whichever is appropriate, at the same level and to the same extent as comparably-employed individuals who do not receive TANF and shall be entitled to a minimum wage under § 36-220.2. (Apr. 6, 1982, D.C. Law 4-101, § 519k, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of §§ 3-205.19a through 3-205.19l. — See note to § 3-205.19a.

Emergency act amendments. — For temporary addition of section, see note to § 3-205.19a.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.19l. Nondisplacement by TANF recipients.

(a) The Mayor shall not require a TANF recipient to participate in a work activity that:

(1) Results in the displacement of any currently-employed worker or position, including partial displacement, such as a reduction in hours of nonovertime work, wages, or employment benefits;

(2) Impairs existing contracts for services or collective bargaining agreements;

(3) Results in the employment or assignment of the TANF recipient, or the filling of a position with the TANF recipient when any other person is on layoff from the same or a substantially equivalent job within the same

organizational unit, or when an employer has terminated any regular employee or otherwise reduced its workforce with the intent of filling the vacancy so created by hiring the TANF recipient; or

(4) Results in the TANF recipient participating in community service, work experience, or subsidized employment when such participation is the equivalent of filling an established unfilled position vacancy, or is the equivalent of performing a job that is substantially similar to the vacant position, unless the TANF recipient is given a bona fide opportunity to apply for the position as an unsubsidized employee after 18 weeks of satisfactory service in the position.

(b) The Mayor shall establish and maintain a grievance procedure for resolving complaints by any person, organization, or bargaining unit that claims to have been adversely affected by a violation of this subsection.

(c) Nothing in this section shall be construed to prevent a collective bargaining agreement from containing additional protections for a regular employee. (Apr. 6, 1982, D.C. Law 4-101, § 519l, as added Apr. 20, 1999, D.C. Law 12-241, § 2(w), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of §§ 3-205.19a through 3-205.19l. — See note to § 3-205.19a.

Emergency act amendments. — For temporary addition of section, see note to § 3-205.19a.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.21. Eligibility standards for children of unemployed parents.

(a) A child shall be eligible to receive TANF by reason of the unemployment of his or her parent who is the principal wage earner if the parent who is the principal wage earner:

* * * * *

(2) Has been employed less than 35 hours a week for at least 60 days prior to the receipt of TANF;

(3) Has not, without good cause, within such 60-day period, refused a bona fide offer of employment or training for employment;

* * * * *

(a-1) Repealed.

* * * * *

(c) The parent who is the principal wage earner must be referred to job search, job readiness, or other work activities after application for TANF benefits. (Oct. 27, 1995, D.C. Law 11-72, § 201(d), 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 2(x), 46 DCR 905.)

Effect of amendments. — D.C. Law 11-72 inserted (a-1).

D.C. Law 12-241 substituted “TANF” for “AFDC” throughout the section; substituted “60

days" for "30 days" in (a)(2); substituted "60-day" for "30-day" in (a)(3); repealed (a-1); and substituted "job search, job readiness, or other work activities after application for TANF benefits" for "the Work Incentive Program within 30 days after receipt of the 1st AFDC payment" at the end of (c).

Temporary amendment of section. — Section 2(x) of D.C. Law 12-7 amended the introductory language of (a), (a)(2), (a)(4), the introductory language of (a-1)(1), (a-1)(1)(B) and (C), (a-1)(3) and (c) to read as follows:

"(a) A child shall be eligible to receive TANF by reason of the unemployment of his or her parent who is the principal wage earner if the parent who is the principal wage earner:

"(2) Has been employed less than 35 hours a week for at least 30 days prior to the receipt of TANF;

"(4) Has 6 or more quarters of work during which he or she earned not less than \$50 in each quarter, within the 3 years and 3 months ending within 1 year prior to applying for TANF, or, within such 1-year period, he or she has either received unemployment compensation or would have been entitled thereto had the industry in which he or she was employed been covered under the unemployment compensation law; and

"(a-1) As of the effective date of the implementation of the Demonstration Project established pursuant to § 3-205.62(a), the Mayor shall amend the State Plan so that a child whose parent participates in the Demonstration Project shall be eligible to receive TANF by reason of the unemployment of his or her parent if the parent:

"(B) Is employed and earns an amount within TANF limits;

"(C) Has earned an amount within TANF limits for at least 30 days prior to the receipt of TANF;

"(3) The parent who is the principal wage earner shall be referred to the JOBS Program within 30 days after receipt of the first TANF payment.

"(c) The parent who is the principal wage earner must be referred to the Work Incentive Program within 30 days after receipt of the 1st TANF payment."

Section 7(b) of D.C. Law 12-7 provides that

the act shall expire after 225 days of its having taken effect.

Section 2(x) of D.C. Law 12-130 substituted "TANF" for "AFDC" throughout the section.

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Section 2(x) of D.C. Law 12-230 substituted "TANF" for "AFDC" throughout the section; substituted "60 days" for "30 days" in (a)(2); substituted "60-day" for "30-day" in (a)(3); repealed (a-1); and substituted "job search, job readiness, or other work activities after application for TANF benefits" for "the Work Incentive Program within 30 days after receipt of the 1st AFDC payment" at the end of (c).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

Section 7 of D.C. Act 12-77 provides for the application of the act.

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(x) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(x) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(x) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(x) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 11-72. — See note to § 3-205.61.
 Legislative history of Law 12-7. — See note to § 3-201.1.
 Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.
 Legislative history of Law 12-241. — See note to § 3-201.1.
 Expiration of Law 11-72. — See note to § 3-205.1.

§ 3-205.22. Availability of stepparent and deemed parent income.

* * * * *

(b)

* * * * *

(1A) In computing the availability of a stepparent's income to an assistance unit:

(A) If the stepparent is included in the assistance unit, and has at least one child in common with another member of the assistance unit, and that child is part of the assistance unit, the family shall be considered to be a two-parent assistance unit and the stepparent's income shall be treated like a parent's income;

(B) If the stepparent is included in the assistance unit, but does not have a child in common with another member of the assistance unit, the stepparent shall be treated as the parent of the dependent child in the assistance unit; and

(C) If the stepparent is not included in the assistance unit, none of the stepparent's income shall be considered available to the assistance unit.

(2) In computing the availability of a deemed parent's income, the Department shall exclude:

(A) The first \$75 of the total of such deemed parent's earned income for the month. If the deemed parent worked less than 120 hours during the month, the amount disregarded shall be \$60;

(B) An additional amount for the support of the deemed parent and any other individuals who are living in the home, but whose needs are not taken into account in making the TANF eligibility determination and who are claimed by the deemed parent as dependents for purposes of determining his or her federal personal income tax liability. This disregarded amount shall equal the District's standard of assistance for a family group of the same composition as the deemed parent and those other individuals described in the preceding sentence;

(C) Amounts actually paid by the deemed parent to individuals not living in the home but who are claimed by him or her as dependents for purposes of determining his or her federal personal income tax liability; and

(D) Payments by such deemed parent of alimony or child support with respect to individuals not living in the household.

(3) Repealed.

(4) Repealed.

(c) Repealed.

(d) For purposes of this section, a "deemed parent" is:

(1) The natural or adoptive parent of a minor dependent child, if the child is his- or herself the parent of a dependent child, and all three generations live in the same household; or

(2) The parent of a minor dependent child, if the parent lives in the same household with the dependent child and marries a person with whom the parent does not have a child in common. (Apr. 6, 1982, D.C. Law 4-101, § 522, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(y), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 in (b), added (1A), substituted “deemed parent” for “stepparent” and “deemed parent’s” for “stepparent’s” throughout (2), in (2)(B), substituted “TANF” for “AFDC” and “standard of assistance” for “standard of need”, and repealed (3) and (4); repealed (c); and added (d).

Temporary amendment of section. — Section 2(x) of D.C. Law 12-7 substituted “TANF” for “AFDC” in (b)(2)(B), the introductory language of (c) and (c)(2) through (5).

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(x) of D.C. Law 12-130 substituted “TANF” for “AFDC” throughout the section.

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Section 2(y) of D.C. Law 12-230 in (b), added (1A), substituted “deemed parent” for “stepparent” and “deemed parent’s” for “stepparent’s” throughout (2), in (2)(B), substituted “TANF” for “AFDC” and “standard of assistance” for “standard of need”, and repealed (3) and (4); repealed (c); and added (d).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(y) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(y) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(y) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(y) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.23. Obligations of custodial relatives other than parents.

(a) When a relative applies for TANF in behalf of a child who is living in such relative’s home and the child’s parents are maintaining a home elsewhere, the Mayor shall determine whether the child is in fact deprived of parental care and support.

* * * * *

(Apr. 20, 1999, D.C. Law 12-241, § 2(z), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 substituted "TANF" for "AFDC" in (a).

Temporary amendment of section. — Section 2(x) of D.C. Law 12-7 substituted "TANF" for "AFDC" in (a).

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(x) of D.C. Law 12-130 substituted "TANF" for "AFCD" in (a).

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(z) of D.C. Law 12-230 substituted "TANF" for "AFDC" in (a).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provides for the application of the act.

For temporary amendment of section, see § 2(z) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(z) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(z) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(z) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.24. Eligibility requirements for aliens.

(a) Any person who is not a citizen of the United States, who entered the United States before August 22, 1996, and who is a "qualified alien", as defined by § 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2105; 8 U.S.C. § 1641), may receive the following:

- (1) TANF benefits, if otherwise eligible under this chapter;
- (2) Medicaid benefits, if otherwise eligible under the District of Columbia State Plan submitted pursuant to title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 et seq.); and
- (3) Benefits and services funded under title XX of the Social Security Act, approved August 13, 1981 (95 Stat. 867; 42 U.S.C. § 1397 et seq.), if otherwise eligible under applicable federal and District law.

(b) Any person who is not a citizen of the United States and who is a "qualified alien", as defined by § 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, may receive any District-funded benefit if otherwise eligible under applicable District law, regardless of the person's date of entry into the United States. (Apr. 6, 1982, D.C. Law 4-101, § 524, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(aa), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 rewrote the section.

Temporary amendment of section. — Section 2(j) of D.C. Law 12-7 amended this section to read as follows:

“§ 3-205.24 Eligibility requirements for aliens.

“Any person who is not a citizen of the United States, who entered the United States before August 22, 1996, and who is a “qualified alien”, as defined by § 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. § 1641):

“(1) May receive TANF benefits, if otherwise eligible under this act; and

“(2) May receive Medicaid benefits, if otherwise eligible under the District of Columbia State Plan submitted pursuant to title XIX of the Social Security Act.”

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(j) of D.C. Law 12-130 amended this section to read as follows:

“§ 3-205.24. Eligibility requirements for aliens.

“Any person who is not a citizen of the United States, who entered the United States before August 22, 1996, and who is a “qualified alien”, as defined by § 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. § 1641):

“(1) May receive TANF benefits, if otherwise eligible under this act; and

“(2) May receive Medicaid benefits, if otherwise eligible under the District of Columbia State Plan submitted pursuant to Title XIX of the Social Security Act.”

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(aa) of D.C. Law 12-230 rewrote the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the

Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(j) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(j) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(j) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provides for the application of the act.

For temporary amendment of section, see § 2(aa) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(aa) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(aa) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(aa) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.25. Eligibility determined prospectively.

All factors of TANF eligibility shall be determined prospectively. The amount of monthly TANF assistance payments shall be determined using the prospective budgeting method. (Apr. 6, 1982, D.C. Law 4-101, § 525, 29 DCR 1060; Mar. 14, 1985, D.C. Law 5-150, § 2(e), 31 DCR 6425; Sept. 10, 1985, D.C. Law 6-35, § 2(f), 32 DCR 3778; Apr. 20, 1999, D.C. Law 12-241, § 2(bb), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 rewrote the section.

Temporary amendment of section. — Section 2(x) of D.C. Law 12-7 substituted “TANF” for “AFDC” throughout this section.

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(x) of D.C. Law 12-130 substituted “TANF” for “AFDC” throughout the section.

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(bb) of D.C. Law 12-230 rewrote the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provides for the application of the act.

For temporary amendment of section, see § 2(bb) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(bb) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(bb) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(bb) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.26. Procedure for public and medical assistance application.

Federal jurisdiction. — Federal supplemental jurisdiction, over plaintiffs' District of Columbia law claims was improper where the argument that this section and § 3-205.55 did not apply to the asserted Medicaid benefits was unconvincing. *Wellington v. District of Columbia*, 851 F. Supp. 1 (D.D.C. 1994).

Failure to correct recurrent backlogs constituted violation of rights under 42 U.S.C. §§ 1396a(8) and 1983. — Where high-level Department of Human Services managers knew about the Income Maintenance Administration's recurrent backlogs of Non-Public Assistance (NPA) Medicaid applications in violation of the 45-day limit set by this section, the

failure to rectify to problems in application processing constituted a course deliberately pursued by official policymakers, and deprived non-foster care, non-disabled NPA Medicaid applicants of their rights under 42 U.S.C. §§ 1396a(8) and 1983. *Salazar v. District of Columbia*, 938 F. Supp. 926 (D.D.C. 1996).

Failure to process claims deprived applicants of rights. — The District deprived non-foster care, non-disabled Non-Public Assistance Medicaid applicants of their rights by not processing claims within the 45-day period mandated by this section. *Salazar v. District of Columbia*, 954 F. Supp. 278 (D.D.C. 1996).

§ 3-205.30. Definitions.

As used in §§ 3-205.31 through 3-205.35, the term:

(1) Repealed.

(2) "Lump-sum payment or settlement" means a nonrecurring earned or unearned income, including retroactive monthly benefits, and payments in the nature of a windfall. The phrase "lump-sum payment or settlement" does not include income that represents a correction of previous underpayments of TANF, POWER, Aid to Families with Dependent Children (representing payments owed before that program was repealed) or GAC, and does not include a personal injury award, worker's compensation, or similar award to the extent that it is earmarked and used for the purpose for which it was paid,

such as payment of medical bills. (Apr. 6, 1982, D.C. Law 4-101, § 530, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(cc), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 repealed (1) and rewrote (2).

Temporary amendment of section. — Section 2(x) of D.C. Law 12-7 substituted “TANF” for “AFDC” twice in (2).

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(x) of D.C. Law 12-130 substituted “TANF” for “AFDC” in (2).

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(cc) of D.C. Law 12-230 repealed (1) and rewrote (2).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act

of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provides for the application of the act.

For temporary amendment of section, see § 2(cc) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(cc) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(cc) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(cc) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.31. Application for benefits required.

(a) Subject to the provisions of subsection (b) of this section, the Mayor shall, as a condition of eligibility, require each public assistance applicant or recipient to apply for any benefits to which he or she may be eligible.

(b) If a person applies for TANF and the Mayor determines that the applicant faces significant barriers to employment due to a physical or mental incapacity, the Mayor may consider the application to be an application for POWER, and may process the application as an application for POWER. A person may not apply for POWER without Mayoral approval. (Apr. 6, 1982, D.C. Law 4-101, § 531, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(dd), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 rewrote the section.

Temporary amendment of section. — Section 2(dd) of D.C. Law 12-230 rewrote the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(dd) of the

Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(dd) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(dd) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(dd) of the Self-Sufficiency Promotion

Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.33. Treatment of lump-sum payments and settlements.

(a) Repealed.

(b) For applicants for and recipients of TANF:

(1) The amount of a lump-sum payment or settlement shall be considered as current income of the applicant or recipient, both in the month in which it was received and, to the extent required by paragraph (2) of this subsection, in future months, irrespective of the month in which it was reported to the Mayor.

* * * * *

(Mar. 20, 1998, D.C. Law 12-60, § 701(i), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(ee), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-60 repealed (a).

D.C. Law 12-241 substituted "TANF" for "AFDC" in the introductory language in (b); and in (b)(1), substituted "to the extent required by paragraph (2) of this subsection, in future months, irrespective of the month in which it was reported to the Mayor" for "in future months, as required by law."

Temporary amendments of section. — Section 2(x) of D.C. Law 12-7 substituted "TANF" for "AFDC" in the introductory language of (b).

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(i) of D.C. Law 12-21 repealed (a).

Section 8(b) of D.C. Law 12-21 provides that the act shall expire after 225 days of its having taken effect.

Section 701(i) of D.C. Law 12-59 repealed (a).

Section 2001(b) of D.C. Law 12-59 provided that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Section 2(x) of D.C. Law 12-130 substituted "TANF" for "AFDC" in the introductory language of (b).

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(ee) of D.C. Law 12-230 substituted "TANF" for "AFDC" in the introductory language in (b); and in (b)(1), substituted "to the extent required by paragraph (2) of this subsection, in future months, irrespective of the month in which it was reported to the Mayor" for "in future months, as required by law."

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(i) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(i) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(i) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Section 2002 of D.C. Act 12-152 provides for the application of the act.

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provides for the application of the act.

For temporary amendment of section, see § 2(ee) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ee) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ee) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ee) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

§ 3-205.34. Treatment of accrued statutory benefits.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 534, 29 DCR 1060; Mar. 20, 1998, D.C. Law 12-60, § 701(j), 44 DCR 7378.)

Legislative history of Law 12-60. — See note to § 3-201.1.

Application of Law 12-60. — Section 2002

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-21. — See note to § 3-202.1.

Legislative history of Law 12-59. — See note to § 3-201.1.

Legislative history of Law 12-60. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 3-205.35. Failure of recipients to report promptly.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 535, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(ff), 46 DCR 905.)

Temporary repeal of section. — Section 2(ff) of D.C. Law 12-230 repealed this section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 2(ff) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ff) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ff) of the Self-Sufficiency Promotion Congressional Review Emergency

Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ff) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.36. Work incentive allowances disregarded.

The Mayor, in determining the extent of need of persons who are receiving TANF and are selected by the vocational rehabilitation program to receive vocational training for gainful employment, shall disregard the full amount of work incentive allowances paid to trainees by the vocational rehabilitation program. (Apr. 6, 1982, D.C. Law 4-101, § 536, 29 DCR 1060; Mar. 20, 1998,

D.C. Law 12-60, § 701(k), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(gg), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-60 deleted “or GPA” following “receiving AFDC.”

D.C. Law 12-241 substituted “TANF” for “AFDC.”

Temporary amendments of section. — Section 2(x) of D.C. Law 12-7 substituted “TANF” for “AFDC.”

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(k) of D.C. Law 12-21 deleted “or GPA” following “receiving AFDC.”

Section 8(b) of D.C. Law 12-21 provides that the act shall expire after 225 days of its having taken effect.

Section 701(k) of D.C. Law 12-59 deleted “or GPA” following “receiving AFDC.”

Section 2001(b) of D.C. Law 12-59 provided that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Section 2(x) of D.C. Law 12-130 substituted “TANF” for “AFDC.”

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(gg) of D.C. Law 12-230 substituted “TANF” for “AFDC.”

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(k) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(k) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(k) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Section 2002 of D.C. Act 12-152 provides for the application of the act.

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provides for the application of the act.

For temporary amendment of section, see § 2(gg) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(gg) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(gg) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(gg) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-21. — See note to § 3-201.1.

Legislative history of Law 12-59. — See note to § 3-201.1.

Legislative history of Law 12-60. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 3-205.37. Standard for income and resource determination.

(a) The Mayor shall, in establishing the need of an individual for assistance, take into consideration all income and resources of such individual in excess of

any amounts which may, under the provisions of this chapter, be legally disregarded.

(b) Repealed. (Apr. 6, 1982, D.C. Law 4-101, § 537, 29 DCR 1060; Oct. 27, 1995, D.C. Law 11-72, § 201(e), 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 2(hh), 46 DCR 905.)

Effect of amendments. — D.C. Law 11-72 added (b).

D.C. Law 12-241 substituted “this act” for “the Social Security Act (42 U.S.C. § 301 et seq.)” in (a); and repealed (b).

Temporary amendment of section. — Section 2(k) of D.C. Law 12-7 amended (a) to read as follows:

“(a) The Mayor shall, in establishing the need of an individual for assistance, take into consideration all income and resources of such individual in excess of any amounts which may, under the provisions of the Social Security Act (42 U.S.C. § 301 et seq.), be legally disregarded. For purposes of TANF, income and resources shall be considered under the Social Security Act as in effect on August 21, 1996.”

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(k) of D.C. Law 12-130 amended (a) to read as follows:

“(a) The Mayor shall, in establishing the need of an individual for assistance, take into consideration all income and resources of such individual in excess of any amounts which may, under the provisions of the Social Security Act (42 U.S.C. § 301 et seq.), be legally disregarded. For purposes of TANF, income and resources shall be considered under the Social Security Act as in effect on August 21, 1996.”

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(hh) of D.C. Law 12-230 substituted “this act” for “the Social Security Act (42 U.S.C. § 301 et seq.)” in (a); and repealed (b).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides

that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(k) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(k) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(k) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(hh) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(hh) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(hh) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(hh) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 11-72. — See note to § 3-205.61.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Expiration of Law 11-72. — See note to § 3-205.1.

§ 3-205.40. Resources in kind.

(a)

* * * * *

(1) Repealed.

* * * * *

(Apr. 20, 1999, D.C. Law 12-241, § 2(ii), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 repealed (a)(1).

Temporary amendment of section. — Section 2(ii) of D.C. Law 12-230 repealed (a)(1).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(ii) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ii) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ii) of the

Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ii) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.42. Definitions relating to incapacity and disability.

For the purpose of determining coverage and conditions of eligibility of applicants and recipients in financial and medical assistance programs of the District, the Mayor shall apply the following definitions relating to incapacity and disability with respect to parents and other adults who are otherwise eligible for assistance under such programs:

(1) *Physical or mental incapacity.* —

(A) For the TANF program, physical or mental incapacity shall be deemed to exist when 1 parent has a physical or mental defect, illness, or impairment. The incapacity shall be supported by competent medical testimony and must be of such a debilitating nature as to reduce substantially or eliminate the parent's ability to support or care for an otherwise eligible child and be expected to last for a period of at least 30 days.

* * * * *

(D) A finding of eligibility for OASDI or SSI benefits, based on disability or blindness, shall be deemed acceptable proof of incapacity for purposes of the TANF program.

(2) Repealed. (Apr. 6, 1982, D.C. Law 4-101, § 542, 29 DCR 1060; Aug. 17, 1991, D.C. Law 9-19, title I, § 101(e), 38 DCR 4066; Aug. 17, 1991, D.C. Law 9-27, § 2(e), 38 DCR 4205; Mar. 20, 1998, D.C. Law 12-60, § 701(l), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(jj), 46 DCR 905.)

Effect of amendments.

D.C. Law 12-60 repealed (2).

D.C. Law 12-241 substituted "TANF" for "AFDC" in (1)(A) and (D).

Temporary amendments of section.

Section 2(x) of D.C. Law 12-7 substituted "TANF" for "AFDC" in (1)(A).

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(l) of D.C. Law 12-21 repealed (2).

Section 8(b) of D.C. Law 12-21 provides that the act shall expire after 225 days of its having taken effect.

Section 7(b)(1) of D.C. Law 12-59 repealed (2).

Section 2001(b) of D.C. Law 12-59 provided that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Section 2(x) of D.C. Law 12-130 substituted "TANF" for "AFDC" in (1)(A) and (D).

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(jj) of D.C. Law 12-230 substituted "TANF" for "AFDC" in (1)(A) and (D).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

For temporary amendment of section, see § 2(l) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(l) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(l) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Section 2002 of D.C. Act 12-152 provides for the application of the act.

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(jj) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(jj) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(jj) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(jj) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-21. — See note to § 3-201.1.

Legislative history of Law 12-59. — See note to § 3-201.1.

Legislative history of Law 12-60. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 3-205.42a. Eligibility for General Public Assistance.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 542a, as added Aug. 17, 1991, D.C. Law 9-19, title I, § 101(f), 38 DCR 4066; Aug. 17, 1991, D.C. Law 9-27, § 2(f), 38 DCR 4205; Feb. 5, 1994, D.C. Law 10-68, § 10(d), 40 DCR 6311; Mar. 20, 1998, D.C. Law 12-60, § 701(m), 44 DCR 7378.)

Legislative history of Law 12-60. — See note to § 3-201.1.

Application of Law 12-60. — Section 2002

of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 3-205.43. Participation in labor dispute; pregnancy.

(a) Repealed.

(b) A pregnant woman may be eligible for TANF benefits for herself if the pregnancy has been medically certified, the pregnancy is in the third trimester, and other eligibility requirements are met. The Mayor may provide to the pregnant woman written information and referral as to the availability of

prenatal care services and nutrition supplements for pregnant women. (Apr. 6, 1982, D.C. Law 4-101, § 543, 29 DCR 1060; July 25, 1995, D.C. Law 11-29, § 2(a), 42 DCR 2950; Sept. 26, 1996, D.C. Law 11-52, § 502(d), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 2(kk), 46 DCR 905.)

Effect of amendments. — D.C. Law 11-52 repealed (a); and, in (b), rewrote the first sentence.

D.C. Law 12-241, in (b), substituted "TANF" for "AFDC" in the first sentence, and substituted "may" for "shall" in the second sentence.

Temporary amendment of section. — Section 502(d) of D.C. Law 10-253 substituted "TANF" for "AFDC" in (b).

Section 1301(b) of D.C. Law 10-253 provided that the act shall expire on the 225th day of its having taken effect or upon the effective date of the Multiyear Budget Spending Reduction and Support Act of 1995, whichever occurs first.

Section 2(a) of D.C. Law 11-29 repealed (a).

Section 2(x) of D.C. Law 12-7 substituted "TANF" for "AFDC" in (b).

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(x) of D.C. Law 12-130 substituted "TANF" for "AFDC" in (b).

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(kk) of D.C. Law 12-230, in (b), substituted "TANF" for "AFDC" in the first sentence, and substituted "may" for "shall" in the second sentence.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 502(d) of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994 (D.C. Act 10-389, December 29, 1994, 42 DCR 197).

For temporary amendment of section, see § 2(a) of the Human Services Spending Reduction Emergency Amendment Act of 1995 (D.C. Act 11-35, April 11, 1995, 42 DCR 1834) and § 2(a) of the Human Services Spending Reduction Congressional Recess Emergency Amendment Act of 1995 (D.C. Act 11-104, July 21, 1995, 42 DCR 4014).

For temporary amendment of section, see § 502(d) of the Omnibus Budget Support Con-

gressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and see § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(kk) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(kk) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(kk) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(kk) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 10-253. — See note to § 3-204.6.

Legislative history of Law 11-29. — Law 11-29, the "Human Services Spending Reduction Temporary Amendment Act of 1995," was introduced in Council and assigned Bill No. 11-209. The Bill was adopted on first and second readings on April 4, 1995, and May 2, 1995, respectively. Signed by the Mayor on May 26, 1995, it was assigned Act No. 11-59 and transmitted to both Houses of Congress for its review. D.C. Law 11-29 became effective on July 25, 1995.

Legislative history of Law 11-52. — See note to § 3-204.6.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.44. Amount.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 544, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-230, § 2(ll), 46 DCR 905.)

Temporary amendment of section. — Section 2(l) of D.C. Law 12-130 had added (c) to read as follows:

“(c) Notwithstanding subsection (b) of this section:

“(1) No person shall be entitled to receive TANF benefits; and

“(2) The Mayor may reduce or terminate TANF benefits to any person for failure to comply with the requirements of Titles V or XVII.”

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of sections. — Sections 2(ll)-(nn) of D.C. Law 12-230 repealed §§ 3-205.44 to 3-205.46.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of §§ 3-205.44 through 3-205.46, see §§ 2(ll)-(nn) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), §§ 2(ll)-(nn) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), §§ 2(ll)-(nn) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and §§ 2(ll)-(nn) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.45. Standard for requirements exceptions.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 545, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-230, § 2(mm), 46 DCR 905.)

Temporary repeal of sections. — See notes to § 3-205.44.

Emergency act amendments. — See notes to § 3-205.44.

Legislative history of Law 12-230. — See note to § 3-201.1.

§ 3-205.46. Meal standard.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 546, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-230, § 2(nn), 46 DCR 905.)

Temporary repeal of sections. — See notes to § 3-205.44.

Emergency act amendments. — See notes to § 3-205.44.

Legislative history of Law 12-230. — See note to § 3-201.1.

§ 3-205.49. Special living arrangements.

(a) Recipients of public assistance who are in nursing homes shall receive a payment of \$40 per month for clothing and personal needs.

* * * * *

(c) Effective with payments beginning on January 1, 1997, each recipient of Supplemental Security Income or General Public Assistance who lives in a community residence facility that has 50 or fewer residents shall receive a payment of \$631.20 per month, of which \$561.20 shall be used for room, board, and care and \$70.00 shall be retained by the recipient for clothing and personal needs.

(d) Effective with payments beginning on January 1, 1997, each recipient of Supplemental Security Income who lives in a community residence facility that has a capacity for more than 50 residents shall receive a payment of \$741.20 per month, of which \$671.20 shall be used for room, board, and care and \$70.00 shall be retained by the recipient for clothing and personal needs. At no time shall the total number of persons receiving payments from the District pursuant to this subsection exceed 250 persons.

(e) In the event the SSI payment is increased on or after January 1, 1997, the total amount of any increase shall be added to the payment levels authorized by subsections (c) and (d) of this section and shall be used for room, board, and care. The Mayor may increase the payments for clothing and personal needs authorized by subsections (c) and (d) of this section through rulemaking pursuant to subsection (g) of this section.

(e-1)(1) Each District of Columbia resident who receives a Supplemental Security Income payment pursuant to this section and who lives in a community residence facility shall receive an additional supplemental payment for room, board, and care.

(2) The additional supplemental payment shall be prorated based upon the amount of supplemental funds forwarded by the District to the federal Social Security Administration divided by the total population of Supplemental Security Income recipients who are residents of the District of Columbia and who live in a community residence facility.

(3) This subsection shall apply on the later of the following:

(A) The date of written notice by the District to the federal government that the District intends to eliminate payments to noninstitutionalized SSI recipients;

(B) The date the Social Security Administration provides notice to noninstitutionalized SSI recipients whose supplemental payments are being eliminated; or

(C) January 1, 1997.

* * * * *

(h) The Mayor may enter into an agreement with the Secretary of the Department of Health and Human Services for the federal administration of supplemental payments. Payments made pursuant to this section shall be made as long as such payments are required by federal law. (Apr. 6, 1982, D.C.

Law 4-101, § 549, 29 DCR 1060; Mar. 10, 1983, D.C. Law 4-208, § 2(b), 30 DCR 202; June 25, 1986, D.C. Law 6-124, § 2(a), 33 DCR 2940; Feb. 27, 1998, D.C. Law 12-53, § 2(b), 44 DCR 6228; Apr. 20, 1999, D.C. Law 12-264, § 14, 46 DCR 2118.)

Effect of amendments. — D.C. Law 12-53, in (a), substituted “\$40” for “\$20”; rewrote (c) and (d); in (e), substituted “January 1, 1997” for “March 10, 1983,” and added the second sentence; inserted (e-1); and added (h).

D.C. Law 12-264 repealed § 701(n) of D.C. Law 12-60, which had deleted “or General Public Assistance” following “Supplemental Security Income” in (c).

Temporary amendments of section. — Section 2(b) of D.C. Law 11-264 amended (a), (c) and (d) and added (e-1) and (h) to read as follows:

“(a) Recipients of public assistance who are in nursing homes shall receive a payment of \$40 per month for clothing and personal needs”.

“(c) Effective with payments beginning on January 1, 1997, each recipient of Supplemental Security Income or General Public Assistance who lives in a community residence facility that has 50 or fewer residents shall receive a payment of \$631.20 per month, \$576.20 of which shall be used for room, board, and care, and \$55.00 of which shall be retained by the recipient for clothing and personal needs.

“(d) Effective with payments beginning on January 1, 1997, each recipient of Supplemental Security Income or General Public Assistance who lives in a community residence facility that has a capacity of more than 50 residents shall receive a payment of \$741.20 per month, \$686.20 of which shall be used for room, board, and care, and \$55.00 of which shall be retained by the recipient for clothing and personal needs. At no time shall the total number of persons receiving payments from the District pursuant to this subsection exceed 250 persons.

“(e) In the event the SSI payment is increased on or after January 1, 1997, the total amount of any increase shall be added to the payment levels authorized by subsections (c) and (d) of this section and shall be used for room, board, and care.

“(e-1)(1) Each District of Columbia resident who receives a Supplemental Security Income payment pursuant to this section and who lives in a community residence facility shall receive an additional supplemental payment for room, board, and care.

“(2) The additional supplemental payment shall be prorated based upon the amount of supplemental funds forwarded by the District government to the federal Social Security Administration divided by the total population of Supplemental Security Income recipients who

are residents of the District of Columbia and who live in a community residence facility.

“(3) This subsection shall apply on the later of:

“(A) The date of written notice by the District to the federal government, that the District intends to eliminate payments to noninstitutionalized SSI recipients;

“(B) The date the Social Security Administration provides notice to non-institutionalized SSI recipients whose supplemental payment is being eliminated; or

“(C) January 1, 1997.”

“(h) The Mayor may enter into an agreement with the Secretary of the Department of Health and Human Services for the federal administration of supplemental payments. Payments under this section shall be made as long as such payments are required by federal law.”

Section 4(b) of D.C. Law 11-264 provided that the act shall expire after 225 days of its having taken effect.

Section 2(n) and (o) of D.C. Law 12-21 in (c), deleted “or General Public Assistance” following “Supplemental Security Income”; and in (d), deleted “or GPA” following “SSI.”

Section 8(b) of D.C. Law 12-21 provides that the act shall expire after 225 days of its having taken effect.

Section 701(n) and (o) of D.C. Law 12-59, in (c), deleted “or General Public Assistance” following “Supplemental Security Income”; and in (d), deleted “or GPA” following “SSI.”

Section 2001(b) of D.C. Law 12-59 provided that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Emergency act amendments. — For temporary amendment of section, see § 2(b) of the Supplemental Security Income Payment Emergency Amendment Act of 1996 (D.C. Act 11-488, January 2, 1997, 44 DCR 659), see § 2(b) of the Supplemental Security Income Payment Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-43, March 31, 1997, 44 DCR 2093), and see § 2(b) of the Supplemental Security Income Payment Second Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-202, December 2, 1997, 44 DCR 7495).

Section 4 of D.C. Act 12-43 provides for the application of the act.

Section 4 of D.C. Act 12-202 provides for the application of the act.

For temporary amendment of section, see

§ 2(n) and (o) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(n) and (o) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(n) and (o) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Section 2002 of D.C. Act 12-152 provides for the application of the act.

Legislative history of Law 11-264. — Law 11-264, the “Supplemental Security Income Payment Temporary Amendment Act of 1996,” was introduced in Council and assigned Bill No. 11-994. The Bill was adopted on first and second readings on December 3, 1996, and January 7, 1997, respectively. Signed by the Mayor on January 23, 1997, it was assigned Act No. 11-531 and transmitted to both Houses of Congress for its review. D.C. Law 11-264 became effective on April 25, 1997.

Legislative history of Law 12-21. — See note to § 3-201.1.

Legislative history of Law 12-53. — See note to § 3-204.6.

Legislative history of Law 12-59. — See note to § 3-201.1.

Legislative history of Law 12-264. — Law 12-264, the “Technical Amendments Act of 1998,” was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

Repeal of § 701(n) of Law 12-60. — Section 14 of D.C. Law 12-264 provided that § 701(n) of the Fiscal Year 1998 Revised Budget Support Act of 1997, effective March 20, 1998 (D.C. Law 12-60; D.C. Code § 3-205.49(c)), is repealed.

§ 3-205.50. Costs of training and employment.

(a) Repealed.

(b) Repealed.

(c) Repealed.

(d) Repealed.

(e) At the discretion of the Mayor and subject to annual appropriations, the Mayor may:

(1) Provide supportive services necessary for a member of an assistance unit to participate in or prepare for a mandatory job search, job readiness, or other work activity under TANF or a mandatory self-sufficiency activity under POWER; and

(2) Provide reimbursement for a recipient’s expenses directly related to participation in a mandatory work activity under TANF or a mandatory self-sufficiency activity under POWER. (Apr. 6, 1982, D.C. Law 4-101, § 550, 29 DCR 1060; Sept. 10, 1985, D.C. Law 6-35, § 2(h), 32 DCR 3778; June 25, 1986, D.C. Law 6-124, § 2(b), 33 DCR 2940; June 22, 1990, D.C. Law 8-144, § 2, 37 DCR 2974; Mar. 6, 1991, D.C. Law 8-202, § 2, 37 DCR 7937; Mar. 20, 1998, D.C. Law 12-60, § 701(p), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(o), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-60 repealed (c).

D.C. Law 12-241 rewrote (e).

Temporary amendments of section. — Section 2(m) of D.C. Law 12-7 amended (e) to read as follows:

“(e) The Mayor may guarantee transportation, work-related, or other supportive services necessary for a member of an assistance unit to participate in or prepare for an approved training or educational activity or employment, in accordance with the District of Columbia Sup-

portive Services Plan submitted to the United States Department of Health and Human Services (“H.H.S.”) pursuant to 45 CFR Part 255.”

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(p) of D.C. Law 12-21 repealed (c).

Section 8(b) of D.C. Law 12-21 provides that the act shall expire after 225 days of its having taken effect.

Section 701(p) of D.C. Law 12-59 repealed (c).

Section 2001(b) of D.C. Law 12-59 provided

that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Section 2(m) of D.C. Law 12-130 amended (e) to read as follows:

"(e) The Mayor may guarantee transportation, work-related, or other supportive services necessary for a member of an assistance unit to participate in or prepare for an approved training or educational activity or employment, in accordance with the District of Columbia Supportive Services Plan submitted to the United States Department of Health and Human Services ("H.H.S.") pursuant to 45 CFR Part 255."

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(oo) of D.C. Law 12-230 rewrote (e).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(m) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(m) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(p) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(p) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and

see § 701(p) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Section 2002 of D.C. Act 12-152 provides for the application of the act.

For temporary amendment of section, see § 2(m) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(oo) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(oo) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(oo) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(oo) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-21. — See note to § 3-201.1.

Legislative history of Law 12-59. — See note to § 3-201.1.

Legislative history of Law 12-60. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 3-205.51. Denial of monthly benefits.

No assistance unit will receive TANF monthly benefits if the benefit check prior to adjustments is less than \$10. An assistance unit denied benefits as a result of this provision shall continue to be considered eligible for TANF for all other purposes. (Apr. 6, 1982, D.C. Law 4-101, § 551, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(pp), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 substituted "TANF" for "AFDC" throughout the section.

Temporary amendment of section. — Section 2(x) of D.C. Law 12-7 substituted "TANF" for "AFDC" throughout the section.

"No assistance unit will receive TANF monthly benefits if the benefit check prior to adjustments is less than \$10. An assistance unit denied benefits as a result of this provision shall continue to be considered eligible for TANF for all other purposes."

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(x) of D.C. Law 12-130 substituted "TANF" for "AFDC" throughout the section.

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(pp) of D.C. Law 12-230 substituted "TANF" for "AFDC" throughout the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency

Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(pp) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(pp) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(pp) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(pp) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230 — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1

§ 3-205.51a. Annual comparative review.

(a) *In general.* — The Council of the District of Columbia shall annually review and adjust the amount of the monthly assistance payment that may be made under the Temporary Assistance for Needy Families Program so that such payment is comparable with the monthly assistance payments made under such program in Maryland and Virginia counties that are contiguous to the District of Columbia.

(b) *Effective date.* — Subsection (a) shall apply with respect to fiscal year 1998 and each succeeding fiscal year. (Nov. 19, 1997, 111 Stat. 2185, Pub. L. 105-100, § 153)

§ 3-205.52. Determination of amount of public assistance payments for assistance unit; standards of assistance enumerated.

(a) To determine the TANF, POWER, or GAC payment for an assistance unit, the Mayor shall subtract any income of the assistance unit, after applicable disregards, from the current payment level for a family that is the size of the assistance unit.

(b) Repealed.

(c) The standards of assistance are set forth in the following table and include a portion of basic costs of food, clothing, shelter, household and personal items, and certain transportation costs:

"STANDARDS OF ASSISTANCE

Family Size	Standard of Assistance	Payment Level
1	\$ 450.00	\$ 239.00
2	560.00	298.00
3	712.00	379.00
4	870.00	463.00
5	1,002.00	533.00
6	1,178.00	627.00
7	1,352.00	719.00
8	1,494.00	795.00
9	1,642.00	874.00
10	1,786.00	950.00
11	1,884.00	1002.00
12	2,024.00	1077.00
13	2,116.00	1,126.00
14	2,232.00	1,187.00
15	2,316.00	1,232.00
16	2,432.00	1,294.00
17	2,668.00	1,419.00
18	2,730.00	1,452.00
19	2,786.00	1,482.00"; and

(c-1) Repealed.

(d) The table set forth in subsection (c) of this section shall apply to payments made after January 31, 1998. The level of public assistance payments for assistance units and the standards of assistance in subsection (c) of this section may be adjusted by the Mayor through promulgation of a rule in accordance with the rulemaking provisions of title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 et seq.).

(e) A recipient of public assistance may not make a claim for any cost-of-living adjustment in assistance payments that have not been paid prior to December 29, 1994, and would have been paid but for the enactment of the Public Assistance Act of 1982 Budget Conformity Amendment Act of 1991, effective August 17, 1991 (D.C. Law 9-27; 38 DCR 5794).

(f) A recipient of public assistance may not make a claim for any adjustment in assistance payments that have not been paid prior to December 29, 1994, and would have been paid but for the enactment of the Public Assistance Act of 1982 Budget Conformity Amendment Act of 1991, effective August 17, 1991 (D.C. Law 9-27; 38 DCR 5794). (Apr. 6, 1982, D.C. Law 4-101, § 552, 29 DCR 1060; May 19, 1982, D.C. Law 4-108, § 3, 29 DCR 1413; Aug. 10, 1984, D.C. Law 5-100, § 2, 31 DCR 2896; Apr. 11, 1986, D.C. Law 6-106, § 2, 33 DCR 1165; June 25, 1986, D.C. Law 6-124, § 2(c), 33 DCR 2940; Mar. 11, 1988, D.C. Law 7-86, § 2(a), 35 DCR 140; Aug. 17, 1991, D.C. Law 9-19, title I, § 101(g), 38 DCR 4066; Aug. 17, 1991, D.C. Law 9-27, § 2(g), 38 DCR 4205; July 25, 1995, D.C. Law 11-29, § 2(b), 42 DCR 2950; Sept. 26, 1995, D.C. Law 11-52, § 502(e), 42 DCR 3684; Oct. 27, 1995, D.C. Law 11-72, § 201(f), 42 DCR 4728; Apr. 18, 1996, D.C. Law 11-110, § 9(b), 43 DCR 530; Apr. 9, 1997, D.C. Law

11-199, § 302, 43 DCR 4569; Aug. 1, 1996, D.C. Law 11-152, § 101(a), 43 DCR 2978; Apr. 9, 1997, D.C. Law 11-198, § 302, 43 DCR 4569; Apr. 20, 1999, D.C. Law 12-241, § 2(qq), 46 DCR 905.)

Effect of amendments.

D.C. Law 11-52, deleted "and" preceding "certain transportation costs" in the introductory language of (c); and amended each dollar amount in the Payment Level column in the table in (c); rewrote (d); and added (e) and (f).

D.C. Law 11-72 inserted (c-1).

D.C. Law 11-110 substituted "recipient" for "recipients" in the first sentence of (c-1)(1)(B).

D.C. Law 11-152 rewrote the table in (c); and substituted "May 31, 1996" for "December 1, 1994" in the first sentence in (d).

D.C. Law 11-198 rewrote the table in (c); and substituted "after September 30, 1996" for "beginning May 31, 1996" in (d).

D.C. Law 12-241 rewrote (a) and (c); repealed (b) and (c-1); and in (d), substituted "January 31, 1998" for "September 30, 1996" in the first sentence.

Temporary amendments of section. — Section 2 of D.C. Law 10-208 amended (c) and (d) to read as follows:

"(c) The standards of assistance are set forth in the following table and include basic costs of food, clothing, shelter, household and personal items, and certain transportation costs, and life insurance when paid by the Mayor:

STANDARDS OF ASSISTANCE		
Family Size	Standard of Assistance	Payment Level
1	\$ 450.00	\$ 265.00
2	560.00	330.00
3	712.00	420.00
4	870.00	513.00
5	1,002.00	591.00
6	1,178.00	695.00
7	1,352.00	797.00
8	1,494.00	881.00
9	1,642.00	968.00
10	1,786.00	1,053.00
11	1,884.00	1,111.00
12	2,024.00	1,194.00
13	2,116.00	1,248.00
14	2,232.00	1,316.00
15	2,316.00	1,366.00
16	2,432.00	1,434.00
17	2,668.00	1,574.00
18	2,730.00	1,610.00
19	2,786.00	1,643.00

"(d) The table set forth in subsection (c) of this section shall apply to payments made beginning December 1, 1994. The level of public assistance payments for assistance units and the standards of assistance in subsection (c) of this section may be adjusted by the Mayor through promulgation of a rule in accordance with the rulemaking provisions of subchapter I of Chapter 15 of Title 1. Except with respect to AFDC families with no earned income who have entered into and are residing temporarily in a shelter for homeless families pursuant to Chapter 6 of this title, the Mayor shall adjust the payment level for families in emergency

shelters to take into consideration the reasonable costs of shelter being provided by the District pursuant to § 3-206.3(e)."

Section 3(b) [4(b)] of D.C. Law 10-208 provided that this act shall expire on the 225th day of its having taken effect.

Section 502(e) of D.C. Law 10-253 amended (c) and (d) and added an (e) and (f) to read as follows:

(c) The standards of assistance are set forth in the following table and include basic costs of food, clothing, shelter, household and personal items, and certain transportation costs, and life insurance when paid by the Mayor.

STANDARDS OF ASSISTANCE

Family Size	Standard of Assistance	Payment Level
1	\$ 450.00	\$ 265.00
2	560.00	330.00
3	712.00	420.00
4	870.00	513.00
5	1,002.00	591.00
6	1,178.00	695.00
7	1,352.00	797.00
8	1,494.00	881.00
9	1,642.00	968.00
10	1,786.00	1,053.00
11	1,884.00	1,111.00
12	2,024.00	1,104.00
13	2,116.00	1,248.00
14	2,232.00	1,316.00
15	2,316.00	1,366.00
16	2,432.00	1,434.00
17	2,668.00	1,574.00
18	2,730.00	1,610.00
19	2,786.00	1,643.00

“(d) The table set forth in subsection (c) of this section shall apply to payments made beginning December 1, 1994. The level of public assistance payments for assistance units and the standards of assistance in subsection (c) of this section may be adjusted by the Mayor through promulgation of a rule in accordance with the rulemaking provisions of subchapter I of Chapter 15 of Title 1. Pursuant to subchapter I of Chapter 6 of this title, the Mayor shall adjust the payment level for families in emergency shelters to take into consideration the reasonable costs of shelter being provided by the District pursuant to § 3-206.3(e).

“(e) A recipient of public assistance may not make a claim for any cost-of-living adjustment in assistance payments, which have not been paid prior to December 29, 1994, and would have been paid but for the enactment of the Public Assistance Act of 1982 Budget Conformity Amendment Act of 1991, effective August 17, 1991 (D.C. Law 9-27; 38 DCR 5794).

“(f) A recipient of public assistance may not make a claim for any adjustment in assistance payments, which have not been paid prior to December 29, 1994, and would have been paid but for the enactment of the Public Assistance Act of 1982 Budget Conformity Amendment Act of 1991, effective August 17, 1991 (D.C. Law 9-27; 38 DCR 5794).”

Section 1301(b) of D.C. Law 10-253 provided that the act shall expire on the 225th day of its having taken effect or upon the effective date of the Multiyear Budget Spending Reduction and Support Act of 1995, whichever occurs first.

Section 2(b) of D.C. Law 11-29 amended (d) to read as follows:

“(d) The table set forth in subsection (c) of this section shall apply to payments made beginning July 1, 1991. On or before January 31st of each year, beginning with January 31, 1993, the Mayor shall calculate and submit to the Council a determination of the percentage increase during the preceding calendar year in the consumer price index for urban consumers for all items, as published by the United States Department of Labor (“Consumer Price Index”). The level of public assistance payments for assistance units set forth in subsection (c) of this section shall be increased annually as of October 1st of each year, beginning with October 1, 1993, by an amount equal to the percentage increase, if any, in the consumer price increase as determined by the Mayor. The Mayor shall publish notice of this annual increase in public assistance payments in the D.C. Register within 30 days of the increase. The increase in public assistance payments provided by this subsection shall be in addition to any other increase in public assistance payments otherwise provided by law.”

Section 302 of D.C. Law 11-226 amended subsections (c) and (d) to read as follows:

“(c) The standards of assistance are set forth in the following table and include basic costs of food, clothing, shelter, household and personal items, certain transportation costs, and life insurance when paid by the Mayor.

"STANDARDS OF ASSISTANCE

Family Size	Standard of Assistance	Payment Level
1	\$ 450.00	\$ 251.00
2	560.00	312.00
3	712.00	398.00
4	870.00	486.00
5	1,002.00	561.00
6	1,178.00	660.00
7	1,352.00	757.00
8	1,494.00	837.00
9	1,642.00	919.00
10	1,786.00	1,000.00
11	1,884.00	1,055.00
12	2,024.00	1,134.00
13	2,116.00	1,185.00
14	2,232.00	1,249.00
15	2,316.00	1,297.00
16	2,432.00	1,362.00
17	2,668.00	1,495.00
18	2,730.00	1,529.00
19	2,786.00	1,560.00"

"(d) The table set forth in subsection (c) of this section shall apply to payments made after September 30, 1996. The level of public assistance payments for assistance units and the standards of assistance in subsection (c) of this section may be adjusted by the Mayor through promulgation of a rule in accordance with the rulemaking provisions of title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 et seq.)."

Section 1001 of D.C. Law 11-226 provides that Titles I, II, III, V, and VI of the act shall apply after September 30, 1996.

Section 1201(b) of D.C. Law 11-226 provided that the act shall expire after 225 days of its having taken effect, or upon the effective date of the Fiscal year 1997 Budget Support Amendment Act of 1996, whichever occurs first.

Section 2(n) and (x) of D.C. Law 12-7 amended (a), (c), (c-1)(1)(A) and (C), (c-1)(4) and (d) to read as follows:

"(a) To determine the public assistance payment for an assistance unit, the Mayor shall subtract any available resources of the assistance unit (after applicable disregards) from the current payment level except that an applicant for TANF with earned income, who has not been a recipient of assistance within any of the 4 months preceding the date of application, shall have his or her eligibility determined under the standards of assistance.

"(c) The standards of assistance are set forth in the following table and include basic costs of food, clothing, shelter, household and personal items, certain transportation costs, and life insurance when paid by the Mayor:

STANDARDS OF ASSISTANCE

Family Size	Standard of Assistance	Payment Level
1	\$ 450.00	\$ 239.00
2	560.00	298.00
3	712.00	379.00
4	870.00	463.00
5	1,002.00	533.00
6	1,178.00	627.00
7	1,352.00	719.00
8	1,494.00	795.00
9	1,642.00	874.00
10	1,786.00	950.00
11	1,884.00	1,002.00
12	2,024.00	1,077.00
13	2,116.00	1,126.00

Family Size	Standard of Assistance	Payment Level
14	2,232.00	1,187.00
15	2,316.00	1,232.00
16	2,432.00	1,294.00
17	2,668.00	1,419.00
18	2,730.00	1,452.00
19	2,786.00	1,482.00

“(c-1)(1) The schedule of benefits to be paid to a recipient family participating in the Demonstration Project established pursuant to § 3-205.62(a) shall eliminate the increment in benefits as follows:

“(A) The recipient family in which the recipient parent gives birth to an additional child during the recipient’s period of eligibility for TANF benefits, or during a temporary penalty period of ineligibility for benefits, may not receive additional benefits except in the case of a general increase in the amount of TANF benefits which is provided to all program recipients or where the additional child was born within 10 months of the original date of application.

“(C) Notwithstanding any other provision of law, a custodial parent who is ineligible for additional benefits under this section shall receive the total value of all child support payments due and collected for the dependent child. The value of child support payments made under this paragraph shall not be counted as income for the purpose of TANF eligibility and grant determination.

“(2) In accordance with regulations issued by the Mayor, the applicant for TANF shall be informed of the eligibility requirements and the applicant’s rights and obligations. The Department shall advise the applicant of the exemptions from the family cap provision as outlined in this section. The Department shall determine if an exemption from the family cap requirement is applicable. The Department shall also assist the applicant in attaining the necessary verifications if an exemption is alleged by the applicant. The regulations shall include provisions to ensure that the applicant understands his or her rights under this subchapter and the meaning of each exemption under this subsection.

“(4) If the applicant, or his or her parent, does not request a fair hearing under § 3-210.5, or,

if after a fair hearing has been held, the hearing officer finds that the applicant is not exempt from the requirements of this section, the Department shall provide notice as required by this subchapter and render the applicant ineligible for TANF assistance in the next possible payment month.

“(d) The table set forth in subsection (c) of this section shall apply to payments made after January 31, 1997. The level of public assistance payments for assistance units and the standards of assistance in subsection (c) of this section may be adjusted by the Mayor through promulgation of a rule in accordance with the rulemaking provisions of title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 et seq.).”

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(n) and (x) of D.C. Law 12-130 amended (a), (c), (c-1)(1)(A) and (C), (c-1)(4) and (d) to read as follows:

“(a) To determine the public assistance payment for an assistance unit, the Mayor shall subtract any available resources of the assistance unit (after applicable disregards) from the current payment level except that an applicant for TANF with earned income, who has not been a recipient of assistance within any of the 4 months preceding the date of application, shall have his or her eligibility determined under the standards of assistance.

“(c) The standards of assistance are set forth in the following table and include basic costs of food, clothing, shelter, household and personal items, certain transportation costs, and life insurance when paid by the Mayor:

STANDARDS OF ASSISTANCE

Family Size	Standard of Assistance	Payment Level
1	\$450.00	\$ 239.00
2	560.00	298.00
3	712.00	379.00

Family Size	Standard of Assistance	Payment Level
4	870.00	463.00
5	1,002.00	533.00
6	1,178.00	627.00
7	1,352.00	719.00
8	1,494.00	795.00
9	1,642.00	874.00
10	1,786.00	950.00
11	1,884.00	1,002.00
12	2,024.00	1,077.00
13	2,116.00	1,126.00
14	2,232.00	1,187.00
15	2,316.00	1,232.00
16	2,432.00	1,294.00
17	2,668.00	1,419.00
18	2,730.00	1,452.00
19	2,786.00	1,482.00

“(c-1)(1) The schedule of benefits to be paid to a recipient family participating in the Demonstration Project established pursuant to § 3-205.62(a) shall eliminate the increment in benefits as follows:

“(A) The recipient family in which the recipient parent gives birth to an additional child during the recipient’s period of eligibility for TANF benefits, or during a temporary penalty period of ineligibility for benefits, may not receive additional benefits except in the case of a general increase in the amount of TANF benefits which is provided to all program recipients or where the additional child was born within 10 months of the original date of application.

“(C) Notwithstanding any other provision of law, a custodial parent who is ineligible for additional benefits under this section shall receive the total value of all child support payments due and collected for the dependent child. The value of child support payments made under this paragraph shall not be counted as income for the purpose of TANF eligibility and grant determination.

“(2) In accordance with regulations issued by the Mayor, the applicant for TANF shall be informed of the eligibility requirements and the applicant’s rights and obligations. The Department shall advise the applicant of the exemptions from the family cap provision as outlined in this section. The Department shall determine if an exemption from the family cap requirement is applicable. The Department shall also assist the applicant in attaining the necessary verifications if an exemption is alleged by the applicant. The regulations shall include provisions to ensure that the applicant understands his or her rights under this subchapter and the meaning of each exemption under this subsection.

“(4) If the applicant, or his or her parent, does not request a fair hearing under § 3-210.5, or, if after a fair hearing has been held, the hearing officer finds that the applicant is not exempt from the requirements of this section, the Department shall provide notice as required by this subchapter and render the applicant ineligible for TANF assistance in the next possible payment month.

“(d) The table set forth in subsection (c) of this section shall apply to payments made after January 31, 1997. The level of public assistance payments for assistance units and the standards of assistance in subsection (c) of this section may be adjusted by the Mayor through promulgation of a rule in accordance with the rulemaking provisions of title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 et seq.).”

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(qq) of D.C. Law 12-230 rewrote (a) and (c); repealed (b) and (c-1); and in (d), substituted “January 31, 1998” for “September 30, 1996” in the first sentence.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 2 of the Public Assistance and Day Care Policy Emergency Amendment Act of 1994 (D.C. Act 10-326, October 21, 1994, 41 DCR 7153).

For temporary amendment of section, see § 502(e) of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994 (D.C. Act 10-389, December 29, 1994, 42 DCR 197).

For temporary amendment of section, see § 2(b) of the Human Services Spending Reduction Emergency Amendment Act of 1995 (D.C. Act 11-35, April 11, 1995, 42 DCR 1834) and § 2(b) of the Human Services Spending Reduction Congressional Recess Emergency Amendment Act of 1995 (D.C. Act 11-104, July 21, 1995, 42 DCR 4014).

For temporary amendment of section, see § 502(e) of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

For temporary amendment of section, see § 101 of the Fiscal Year 1996 Budget Support Emergency Act of 1996 (D.C. Act 11-264, April 26, 1996, 43 DCR 2412).

For temporary amendment of section, see § 2(a) of the Emergency and Public Assistance Emergency Amendment Act of 1996 (D.C. Act 11-277, May 29, 1996, 43 DCR 2971).

For temporary repeal of §§ 101 and 102 of the Fiscal Year 1996 Budget Support Emergency Act of 1996, effective April 26, 1996 (D.C. Act 11-264), see § 4 of the Emergency and Public Assistance Emergency Amendment Act of 1996 (D.C. Act 11-277, May 29, 1996, 43 DCR 2971).

For temporary amendment of section, see § 302 of the Fiscal Year 1997 Budget Support Emergency Act of 1996 (D.C. Act 11-302, July 25, 1996, 43 DCR 4181), and § 302 of the Fiscal Year 1997 Budget Support Congressional Adjournment Emergency Amendment Act of 1997 (D.C. Act 12-2, February 19, 1997, 44 DCR 1590).

Section 1001 of D.C. Act 11-302 provides for the application of the act.

For temporary amendment of section, see § 101(a) of the Fiscal Year 1996 Budget Support Congressional Review Emergency Act of 1996 (D.C. Act 11-335, August 1, 1996, 43 DCR 4256).

Section 501 of D.C. Act 11-335 provides for the application of the act.

For temporary amendment of section, see § 302 of the Fiscal Year 1997 Budget Support Emergency Amendment Act of 1996 (D.C. Act 11-429, October 29, 1996, 43 DCR 6151), and see § 302 of the Fiscal Year 1997 Budget Support Congressional Adjournment Emergency Amendment Act of 1997 (D.C. Act 12-2, February 19, 1997, 44 DCR 1590).

Section 1001 of D.C. Act 11-429 provides for the application of the act.

For temporary amendment of section, see § 2 of the Public Assistance Reduction Emergency Amendment Act of 1996 (D.C. Act 11-492, January 8, 1997, 44 DCR 763).

For temporary amendment of section, see § 2(n) and (x) of the Public Assistance Emer-

gency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(n) and (x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see §§ 2(n) and (x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provides for the application of the act.

For temporary amendment of section, see § 2(qq) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(qq) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(qq) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(qq) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 10-208. — Law 10-208, the "Public Assistance and Day Care Policy Temporary Amendment Act of 1994," was introduced in Council and assigned Bill No. 794. The Bill was adopted on first and second readings on October 4, 1994, and November 1, 1994, respectively. Signed by the Mayor on November 22, 1994, it was assigned Act No. 10-346 and transmitted to both Houses of Congress for its review. D.C. Law 10-208 became effective on March 14, 1995.

Legislative history of Law 10-253. — See note to § 3-204.6.

Legislative history of Law 11-29. — See note to § 3-205.43.

Legislative history of Law 11-52. — See note to § 3-204.6.

Legislative history of Law 11-72. — See note to § 3-205.61.

Legislative history of Law 11-110. — See note to § 3-205.11.

Legislative history of Law 11-152. — Law 11-152, the "Fiscal Year 1996 Budget Support Act of 1996," was introduced in Council and assigned Bill No. 11-655, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 2, 1996, and May 7, 1996, respectively. Signed by the Mayor on May 28, 1996, it was assigned Act No. 11-279 and transmitted to both Houses of Congress for its review. D. C. Law 11-152 became effective on August 1, 1996.

Legislative history of Law 11-198. — Law 11-198, the "Fiscal Year 1997 Budget Support Act of 1996," was introduced in Council and assigned Bill No. 11-741, which was referred to

the Committee of the Whole. The Bill was adopted on first and second readings on June 19, 1996, and July 3, 1996, respectively. Signed by the Mayor on July 26, 1996, it was assigned Act No. 11-360 and transmitted to both Houses of Congress for its review. D.C. Law 11-198 became effective on April 9, 1997.

Legislative history of Law 11-226. — Law 11-226, the "Fiscal Year 1997 Budget Support Temporary Amendment Act of 1996," was introduced in Council and assigned Bill No. 11-896. The Bill was adopted on first and second readings on October 1, 1996, and November 7, 1996, respectively. Signed by the Mayor on December 4, 1996, it was assigned Act No. 11-453 and transmitted to both Houses of Congress for its review. D.C. Law 11-226 became effective on April 9, 1997.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Expiration of Law 11-72. — See note to § 3-205.1.

Repeal of Law 10-208 — Section 507 of D.C. Law 11-52 repealed D.C. Law 10-208.

Section 506 of D.C. Law 10-253 provided for the temporary repeal of D.C. Law 10-208.

For temporary repeal of the Public Assistance and Day Care Policy Temporary Amendment Act of 1994, enacted November 22, 1994, enacted November 22, 1994, see § 507 of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

Application of provisions of Law 11-198. — Section 1001 of D.C. Law 11-198 provides that Titles I, II, III, V, and VI and sections 405 and 406 of the act shall apply after September 30, 1996.

D.C. Law Review. — For article, "The District of Columbia's response to homelessness: Depending on the kindness of strangers," see 2 D.C. L. Rev. 47 (1993).

Cited in Quattlebaum v. Kelly, App. D.C., 648 A.2d 950 (1994), vacated, reh'g granted, App. D.C., 656 A.2d 728, reinstated in part and remanded, Quattlebaum v. Barry, App. D.C., 671 A.2d 881 (1995).

§ 3-205.53. Nondisplacement by TANF recipients.

(a) All public assistance grants made under this chapter shall be reconsidered by the Mayor as frequently as he or she may deem necessary, but in every case the Mayor shall make such reconsiderations at least once in each year. After such further investigation as the Mayor may deem necessary, the amount of public assistance may be changed, or may be entirely withdrawn, if the Mayor finds that any such grant has been made erroneously, or if he or she finds that the recipient's circumstances have altered sufficiently to warrant such action. If at any time during the continuance of public assistance the recipient becomes possessed of resources in excess of the amount previously reported by the recipient, or if other changes occur in the nonfinancial circumstances previously reported by the recipient that would alter either the recipient's need or eligibility, it shall be the recipient's duty to notify the Mayor of this information immediately upon the receipt or possession of the additional resources, or upon the change in circumstances. A recipient shall inform the Mayor whenever the recipient begins to receive earned income, if the recipient did not earn income previously, and whenever the recipient ceases to receive earned income. The recipient shall inform the Mayor as soon as the recipient becomes aware that a change will occur, rather than waiting to inform the Mayor in the periodic report required under § 3-205.54.

(b) Repealed.

(c) Repealed.

(d) Repealed. (Apr. 6, 1982, D.C. Law 4-101, § 553, 29 DCR 1060; Aug. 17, 1991, D.C. Law 9-19, title I, § 101(h), 38 DCR 4066; Aug. 17, 1991, D.C. Law 9-27, § 2(h), 38 DCR 4205; Feb. 5, 1994, D.C. Law 10-68, § 10(e), 40 DCR 6311; Mar. 20, 1998, D.C. Law 12-60, § 701(q), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(rr), 46 DCR 905.)

Effect of amendments.

D.C. Law 12-60 repealed (b), (c), and (d).

D.C. Law 12-241 deleted the former third sentence in (a), and added the current third and fourth sentences.

Temporary amendment of section. — Section 2(x) of D.C. Law 12-7 amended (d)(2) to read as follows:

“(d) For the purposes of this section, GPA covers adult individuals and adult couples without children who:

“(2) Are not eligible for TANF;”

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(q) of D.C. Law 12-21 repealed (b) through (d).

Section 8(b) of D.C. Law 12-21 provides that the act shall expire after 225 days of its having taken effect.

Section 701(q) of D.C. Law 12-59 repealed (b), (c), and (d).

Section 2001(b) of D.C. Law 12-59 provides that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Section 2(x) of D.C. Law 12-130 amended this section by substituting “TANF” for “AFDC” in subsection (d), now repealed.

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(rr) of D.C. Law 12-230 deleted the former third sentence in (a), and added the current third and fourth sentences.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and see § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(q) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(q) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(q) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Section 2002 of D.C. Act 12-152 provides for the application of the act.

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(rr) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(rr) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(rr) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(rr) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-21. — See note to § 3-201.1.

Legislative history of Law 12-59. — See note to § 3-201.1.

Legislative history of Law 12-60. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 3-205.54. TANF assistance unit periodic report.

(a) Each TANF assistance unit whose members have earned income or recent work history and each assistance unit that has income deemed to it from individuals living with the unit who have earned income or a recent work history shall report periodically, as determined by the Mayor, on:

(1) The family's income, composition, and other circumstances relevant to the amount of the assistance payment during the reporting period specified by the Mayor;

(2) Any changes in income, resources, or other relevant circumstances (as defined by the Mayor) affecting continued eligibility which the family expects to occur in the current reporting period or future reporting period; and

(3) If appropriate, stepparent's income and alien sponsor's income and resources.

(a-1) The periodic reporting form sent by the Mayor to a recipient shall notify the recipient that failure to provide timely, accurate, and complete information may result in grant reduction or termination.

(b) The Mayor shall establish a consistent time frame for submission of periodic reports and for submission of information concerning any change in earnings affecting eligibility between reports.

(c) When the Mayor receives a complete report within the required time frame specified by the Mayor, the Mayor shall promptly change or terminate assistance payments, as may be appropriate, on the basis of information contained in the periodic report. Timely and accurate reporting of increases in previously-reported income shall result only in adjustments of future payments without retroactive penalty for overpayment. Timely and accurate reporting of decreases in previously-reported income shall result only in adjustments of future payments without retroactive adjustments for underpayments. Written notices of a change or termination must be adequate, as defined in § 3-205.55(a)(2), and must be postmarked no later than 15 days before the date that the recipient would receive the changed payment, or would have received payment if assistance had not been terminated. A recipient has 90 days from the date the notice is postmarked to request a fair hearing. The recipient's assistance shall be paid pending the hearing only if such payment is required under § 3-205.59.

(d) If the recipient fails to file a report on time, without good cause, or if the report filed is incomplete, the Mayor shall take prompt action to terminate assistance. The Mayor shall mail the recipient written notice if assistance is being terminated as a result of failure to file or complete a report. The notice must be adequate as defined by § 3-205.55(a)(2). The notice must be postmarked no later than 15 days prior to the date the recipient would have received payment if assistance had not been terminated. A recipient has 90 days from the date the notice is postmarked to request a fair hearing. The recipient's assistance shall be paid pending the hearing only if such payment is required under § 3-205.59. If the recipient files a completed report that is received by the Mayor on or before the last day of the month in which the notice was postmarked, the Mayor shall accept this late report and shall make a payment based on the information in the report if the information reliably indicates that the recipient is still eligible for TANF. The payment in the next month shall reflect a penalty for late filing, if the Mayor determines the recipient did not have good cause for late filing. As a penalty for late filing, earned income shall not be disregarded in determining TANF eligibility and benefit levels. Payment in the month after receipt of a late report may be delayed. If the recipient is found ineligible for TANF, based on information in the late report, or eligible for an amount less than the prior period's payment,

the Mayor shall promptly send the recipient written notice of the change, suspension, or termination. The written notice must be adequate as defined by § 3-205.55(a)(2). The recipient shall have 90 days from the date that the notice is postmarked to request a hearing. The recipient's assistance shall be paid pending the hearing only if such payment is required under § 3-205.59.

(e) If a recipient has earned income, and fails to file a report of that income on time, without good cause, the earned income, child care, and work expenses disregards shall not be allowed for the month that was to be reported on.

(f) The Mayor may require periodic reporting by any TANF recipient, or category of TANF recipients that has earned income or meets criteria, who the Mayor determines, pursuant to rules promulgated by the Mayor, is likely to calculate income eligibility erroneously.

(g) Repealed. (Apr. 6, 1982, D.C. Law 4-101, § 554, 29 DCR 1060; Mar. 14, 1985, D.C. Law 5-150, § 2(g), 31 DCR 6425; Sept. 10, 1985, D.C. Law 6-35, § 2(i), 32 DCR 3778; Apr. 20, 1999, D.C. Law 12-241, § 2(ss), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 substituted "TANF" for "AFDC" and "periodic" for "monthly" in the section heading; in the introductory language in (a), substituted "TANF" for "ADFC" and "shall report periodically, as determined by the Mayor" for "shall report monthly"; in (a)(1), substituted "reporting period specified by the Mayor" for "prior month"; in (a)(2) substituted "reporting period or future reporting periods" for "month or future months"; added (a-1), rewrote (b), (c), (d), and (f); in (e), substituted "earned" for "\$30 plus one-third"; and repealed (g).

Temporary amendment of section. — Section 2(x) of D.C. Law 12-7 amended the introductory language of (a) to read as follows:

§ 3-205.54. TANF assistance unit monthly report.

"(a) Each TANF assistance unit whose members have earned income or recent work history and each assistance unit that has income deemed to it from individuals living with the unit who have earned income or a recent work history shall report monthly on."

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(x) of D.C. Law 12-130 amended the section catchline and introductory language of (a) to read as follows:

"§ 3-205.54. TANF assistance unit monthly report.

"(a) Each TANF assistance unit whose members have earned income or recent work history and each assistance unit that has income deemed to it from individuals living with the unit who have earned income or a recent work history shall report monthly on."

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(ss) of D.C. Law 12-230 substituted "TANF" for "AFDC" and "periodic" for "monthly" in the section heading; in the introductory

language in (a), substituted "TANF" for "ADFC" and "shall report periodically, as determined by the Mayor" for "shall report monthly"; in (a)(1), substituted "reporting period specified by the Mayor" for "prior month"; in (a)(2) substituted "reporting period or future reporting periods" for "month or future months"; added (a-1), rewrote (b), (c), (d), and (f); in (e), substituted "earned" for "\$30 plus one-third"; and repealed (g).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(ss) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ss) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ss) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ss) of the Self-Sufficiency Promo-

tion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.55. Nondisplacement by TANF recipients.

(a) The Mayor shall give timely and adequate notice in cases of intended action to discontinue, withhold, terminate, suspend, reduce assistance, or make assistance subject to additional conditions, or to change the manner or form of payment to a protective, vendor, or 2-party payment.

(1) "Timely" means that the notice is postmarked at least 15 days before the date upon which the action would become effective, except as provided in section § 3-205.54(d).

* * * * *

(b) The Mayor may dispense with timely notice, but shall send adequate notice no later than the date upon which the action would become effective when:

(1) The Mayor has factual information confirming the death of a recipient or of the TANF or POWER payee when there is no relative available to serve as new payee;

* * * * *

(Apr. 20, 1999, D.C. Law 12-241, § 2(tt), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added "except as provided in § 3-205.54(d)" to (a)(1); and in (b)(1), substituted "TANF or POWER" for "AFDC."

Temporary amendment of section. — Section 2(x) of D.C. Law 12-7 amended (b)(1) to read as follows:

"(b) The Mayor may dispense with timely notice, but shall send adequate notice no later than the date upon which the action would become effective when:

"(1) The Mayor has factual information confirming the death of a recipient or of the TANF payee when there is no relative available to serve as new payee;"

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(x) of D.C. Law 12-130 amended this section by substituting "TANF" for "AFDC" in (b)(1).

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(tt) of D.C. Law 12-230 added "except as provided in § 3-205.53(d)" to (a)(1); and

in (b)(1), substituted "TANF or POWER" for "AFDC."

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2 of the Temporary Assistance for Needy Families Notice Requirement Emergency Amendment Act of 1997 (D.C. Act 12-44, March 31, 1997, 44 DCR 2096).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(tt), § 2(tt) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act

12-372, June 9, 1998, 45 DCR 4270), of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(tt) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(tt) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Federal jurisdiction. — Federal supplemental jurisdiction, over plaintiffs' District of Columbia law claims was improper where the argument that § 3-205.26 and this section did not apply to the asserted Medicaid benefits was

unconvincing. *Wellington v. District of Columbia*, 851 F. Supp. 1 (D.D.C. 1994).

Inadequate notice. — The District's notice advising Aid to Families with Dependent Children ("AFDC") recipients of the benefit reductions in the Omnibus Budget Support Emergency Act of 1991 and the Public Assistance Act of 1982 Budget Conformity Amendment Act of 1991, D.C. Law 9-27 (August 17, 1991), which failed to provide individual computations of new benefit levels and failed to indicate the circumstances under which individuals affected by the cuts could obtain a hearing on computational grounds, violated subsection (c) of this section, 45 C.F.R. § 205.10(a)(4)(iii), and the Due Process Clause of the Fifth Amendment to the Constitution. *Quattlebaum v. Kelly*, App. D.C., 648 A.2d 950 (1994), vacated, reh'g granted, App. D.C., 656 A.2d 728, reinstated in part and remanded, *Quattlebaum v. Barry*, App. D.C., 671 A.2d 881 (1995).

The District violated this section by repeatedly failing to give non-foster care Non-Public Assistance Medicaid recipients timely and adequate notice before terminating or suspending their Medicaid eligibility. *Salazar v. District of Columbia*, 954 F. Supp. 278 (D.D.C. 1996).

§ 3-205.56. Nondisplacement by TANF recipients.

(a) When the information that is the basis for reduction or termination of payment comes from a source other than the recipient, the representative of the Mayor shall discuss the information with the recipient and notify him or her in writing that if the recipient does not agree with or accept the information, he or she has 15 days to present additional information, or, in lieu thereof, to request a fair hearing.

(b) In arranging the appointment for the discussion, the representative of the Mayor shall advise the recipient of his or her right to bring other persons with him or her who have knowledge of his or her situation, including a legal representative if he or she so desires. (Apr. 6, 1982, D.C. Law 4-101, § 556, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(uu), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 deleted "orally and" following "notify him or her" in (a).

Temporary amendment of section. — Section 2(uu) of D.C. Law 12-230 deleted "orally and" following "notify him or her" in (a).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(uu) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(uu) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(uu) of the

Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(uu) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.59. Nondisplacement by TANF recipients.

(a) If the recipient requests a hearing before the date that the termination, suspension, or reduction of aid is to become effective, assistance shall not be discontinued, withheld, terminated, suspended, reduced or made subject to additional conditions, nor may the manner or form of payment be changed to a protective, vendor, or 2-party payment until: (1) The request for a hearing has been withdrawn; (2) a change affecting the recipient's grant occurs while the hearing is pending and the recipient fails to request a hearing after notice of the change; (3) a determination is made at the hearing that the sole issue is one of law and not of incorrect grant computation; or (4) a decision is rendered by the Mayor after a hearing and this decision upholds the Mayor in his or her action to alter the amount or conditions of the public assistance grant.

(b) Repealed.

(c) In any case in which action was taken without timely notice, when timely notice is required by law, and the recipient requests a hearing within 10 days of the postmark of the written notice of the action, the Mayor shall reinstate assistance within 96 hours of the request for a hearing and assistance shall not be discontinued, withheld, terminated, suspended, reduced or made subject to additional conditions, nor may the manner or form of payment be changed to a protective, vendor, or 2-party payment until: (1) A determination is made at the hearing that the sole issue is one of law and not of incorrect grant computation; or (2) a decision is rendered by the Mayor after a hearing and this decision upholds the Mayor in his or her action to alter the amount or conditions of the public assistance grant.

(d) A request for a hearing made more than 10 days after the date upon which the action would become effective but within the time limits of § 3-210.9 shall be honored but shall not result in the continuation of disputed benefits. If the claimant's position is upheld by the hearing decision, the Mayor shall promptly make corrective payments retroactively to the date the incorrect action was taken. (Apr. 6, 1982, D.C. Law 4-101, § 559, 29 DCR 1060; Sept. 10, 1985, D.C. Law 6-35, § 2(l), 32 DCR 3778; Apr. 20, 1999, D.C. Law 12-241, § 2(vv), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 substituted "before the date that the termination, suspension, or reduction of aid is to become effective" for "within 15 days from the date of the postmark of the written notice" in (a); repealed (b); and inserted "when timely notice is required by law" in (c).

Temporary amendment of section. — Section 2(vv) of D.C. Law 12-230 substituted "before the date that the termination, suspension, or reduction of aid is to become effective" for "within 15 days from the date of the postmark of the written notice" in (a); repealed (b); and inserted "when timely notice is required by law" in (c).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(vv) of the Self-Sufficiency Promotion Emergency Amend-

ment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(vv) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(vv) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(vv) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-130. — See notes to § 3-201.1

Legislative history of Law 12-230. — See notes to § 3-201.1

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.61. Definitions.

For the purposes of §§ 3-205.62 through 3-205.68, the term:

- (1) "Board" means the District of Columbia Board of Education.
- (2) "Ceased to attend school" means a pregnant or parenting teen has 20 or more consecutive full days of unexcused absences from school.
- (3) "Child care" means care, supervision, and guidance for children for less than 24 hours per day per child in any licensed child development facility.
- (4) "Department" means the Department of Human Services.
- (5) "Dropout" means a pregnant or parenting teen who has:
 - (A) Ceased to attend school; or
 - (B) Has not graduated from high school or received a general educational equivalency diploma or certificate of completion from an alternative course of study approved by the Board; and
 - (C) Does not meet the school attendance requirements of § 3-205.65.
- (6) "High school equivalency diploma" means a certificate of educational achievement issued under the regulations and requirements of the District of Columbia Public Schools.
- (7) "Pregnant or parenting teen" means a person who has a child or children, or is pregnant in the third trimester of the first pregnancy, and is under 18 years of age. (Apr. 6, 1982, D.C. Law 4-101, § 561, as added Oct. 27, 1995, D.C. Law 11-72, § 101, 42 DCR 4728.)

Legislative history of Law 11-72. — Law 11-72, the "Public Assistance Self-Sufficiency Program Amendment Act of 1995," was introduced in Council and assigned Bill No. 11-62, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 6, 1995, and July 29,

1995, respectively. Signed by the Mayor on August 16, 1995, it was assigned Act No. 11-139 and transmitted to both Houses of Congress for its review. D.C. Law 11-72 became effective on October 27, 1995.

Expiration of Law 11-72. — See note to § 3-205.1.

§ 3-205.62. Establishment of a Demonstration Project.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 562, as added Oct. 27, 1995, D.C. Law 11-72, § 101, 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 4(b), 46 DCR 905.)

Temporary repeal of section — Section 4(b) of D.C. Law 12-230 provided for the repeal of this section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 4(b) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 4(b) of the Self-Sufficiency Promotion Legislature Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 4(b) of the Self-Sufficiency Promotion Congressional Review Emer-

gency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 4(b) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.63. Eligibility for public assistance; home living requirement.

(a) This section shall apply to all applicants for, and recipients of, TANF benefits.

(b) An applicant or recipient of TANF benefits who is a pregnant or parenting teen and who has never married shall be eligible for TANF benefits only if the teen and the teen's child reside in a residence maintained by the pregnant or parenting teen's parent or legal guardian, or another adult relative of the pregnant or parenting teen that is the home of the parent, guardian, or adult relative, as determined by the Mayor, unless:

(1) The pregnant or parenting teen has no living parent, legal guardian, or other appropriate adult relative;

(2) No parent, legal guardian, or other appropriate adult relative who could otherwise qualify to act as the pregnant or parenting teen's legal guardian allows the pregnant or parenting teen to live in his or her home;

(3) The Department determines, after an investigation in accordance with regulations issued by the Mayor, that the physical or emotional health or safety of the applicant, recipient, or dependent child would be jeopardized if they resided in the same residence with the teen's parent, legal guardian, or other adult relative; or

(4) The Department determines, in accordance with regulations issued by the Mayor, that the circumstances justify a determination of good cause for the applicant or recipient and dependent child to receive assistance while living apart from the pregnant or parenting teen's parent, guardian, or other adult relative (with standards set forth in the regulations including consideration of the best interests of the dependent child).

(c) For purposes of the investigation made pursuant to subsection (b)(4) of this section, investigations shall be carried out by licensed social workers. Other trained professionals, such as doctors, nurses, or physiologists, who are deemed necessary to make sound health and safety determinations by the Department, may also be utilized.

(d) When a pregnant or parenting teen and the applicant's or recipient's dependent child are required to live with the pregnant or parenting teen's parent, legal guardian, or other adult relative, or in a setting described in subsection (e) of this section, then TANF may be paid in the form of a protective payment.

(e)(1) If the pregnant or parenting teen is exempt from the home living requirement under subsection (b) of this section, the Department shall provide or assist the pregnant or parenting teen in locating a second chance home, as defined in paragraph (2) of this subsection, a maternity home, or other appropriate adult-supervised supportive living arrangement, unless the Department determines that the pregnant or parenting teen's current living arrangement is appropriate. The Department shall consider the needs and concerns of the pregnant or parenting teen and the pregnant or parenting teen's child in providing or assisting in locating a living arrangement for the pregnant or parenting teen. The Department shall then determine the appropriate living arrangement for the pregnant or parenting teen and require that the pregnant or parenting teen and the dependent child live in such a living

arrangement as a condition of continued receipt of TANF benefits. If the Department determines that the pregnant or parenting teen's circumstances have changed and the current arrangement ceases to be appropriate, the pregnant or parenting teen may live in an alternative appropriate arrangement and continue to receive TANF benefits.

(2) For the purposes of this subsection, the term "second chance home" means an entity that provides individuals described in subsection (b)(1), (2), (3) and (4) of this section with a supportive and supervised living arrangement in which they are required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence and the well-being of their children. (Apr. 6, 1982, D.C. Law 4-101, § 563, as added Oct. 27, 1995, D.C. Law 11-72, § 101, 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 4(c), 46 DCR 905.)

Section references. — This section is referred to in §§ 3-205.61 and 3-205.64.

Effect of amendments. — D.C. Law 12-241 rewrote (a), (b), (d); and added (e).

Temporary amendment of section. — Section 4(a) of D.C. Law 12-7 amended (a), the introductory language of (b), (b)(1) through (3), (b)(5) and (d); and added (e) to read as follows:

"(a) This section shall apply to all applicants of TANF and shall not be limited to participants in the Demonstration Project.

"(b) Except as provided in § 3-205.65, an applicant for TANF benefits who is a pregnant or parenting teen and who has never married shall be eligible for federally-funded TANF benefits only if the applicant and the applicant's child reside in a place of residence maintained by the applicant's parent or legal guardian, or maintained by another adult relative of the individual as the home of the individual's parent, guardian, or adult relative unless:

"(1) The applicant has no living parent, legal guardian or other appropriate adult relative whose whereabouts are known;

"(2) No parent, legal guardian or other appropriate adult relative who could otherwise qualify to act as the applicant's legal guardian allows the applicant or recipient to live in his or her home;

"(3) Repealed;

"(5) The Department determines, in accordance with regulations issued by the Mayor and set forth in the State Plan, that the circumstances justify a determination of good cause for the applicant and dependent child to receive assistance while living apart from the applicant's parent, legal guardian, or other adult relative, or family setting. Standards set forth in the regulations shall include consideration of the best interests of the dependent child.

"(d) When an applicant and the applicant's dependent child are required to live with the

applicant's parent, legal guardian, or other adult relative, or in a family setting, then TANF may be paid in the form of a protective payment.

"(e)(1) If the applicant is exempt from the home living requirement under subsection (b) of this section, the Department shall provide or assist the applicant in locating a second chance home, as defined in paragraph (2) of this subsection, a maternity home, or other appropriate adult-supervised supportive living arrangement, unless the Department determines that the applicant's current living arrangement is appropriate. The Department shall consider the needs and concerns of the applicant in providing or assisting in locating a living arrangement for the applicant. The Department shall then determine the appropriate living arrangement for the applicant and require that the applicant and the dependent child live in such a living arrangement as a condition of continued receipt of TANF benefits. If the Department determines that the applicant's circumstances have changed and the current arrangement ceases to be appropriate, the applicant may live in an alternative appropriate arrangement and continue to receive TANF benefits.

"(2) For the purposes of this subsection, the term 'second chance home' means an entity that provides individuals described in subsection (b)(1), (2), (4), and (5) of this section with a supportive and supervised living arrangement in which they are required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence and the well-being of their children."

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 4(a) of D.C. Law 12-130 amended this section to read as follows:

"(a) This section shall apply to all applicants of TANF and shall not be limited to participants in the Demonstration Project.

"(b) Except as provided in § 3-205.65, an

applicant for TANF benefits who is a pregnant or parenting teen and who has never married shall be eligible for federally-funded TANF benefits only if the applicant and the applicant's child reside in a place of residence maintained by the applicant's parent or legal guardian, or maintained by another adult relative of the individual as the home of the individual's parent, guardian, or adult relative unless:

"(1) The applicant has no living parent, legal guardian or other appropriate adult relative whose whereabouts are known;

"(2) No parent, legal guardian or other appropriate adult relative who could otherwise qualify to act as the applicant's legal guardian allows the applicant or recipient to live in his or her home;

"(3) Repealed.

"(4) The Department determines, after an investigation in accordance with regulations issued by the Mayor, that the physical or emotional health or safety of the applicant or dependent child would be jeopardized if they resided in the same residence with the applicant's parent or legal guardian; or

"(5) The Department determines, in accordance with regulations issued by the Mayor and set forth in the State Plan, that the circumstances justify a determination of good cause for the applicant and dependent child to receive assistance while living apart from the applicant's parent, legal guardian, or other adult relative, or family setting. Standards set forth in the regulations shall include consideration of the best interests of the dependent child.

"(c) For purposes of the investigation made pursuant to subsection (b)(4) of this section, investigations shall be carried out by licensed social workers. Other trained professionals, such as doctors, nurses, or physiologists, who are deemed necessary to make sound health and safety determinations by the Department, may also be utilized.

"(d) When an applicant and the applicant's dependent child are required to live with the applicant's parent, legal guardian, or other adult relative, or in a family setting, then TANF may be paid in the form of a protective payment.

"(e)(1) If the applicant is exempt from the home living requirement under subsection (b) of this section, the Department shall provide or assist the applicant in locating a second chance home, as defined in paragraph (2) of this subsection, a maternity home, or other appropriate adult-supervised supportive living arrangement, unless the Department determines that the applicant's current living arrangement is appropriate. The Department shall consider the needs and concerns of the applicant in providing or assisting in locating a living arrangement for the applicant. The Department shall then determine the appropriate living arrangement for the applicant and require that the applicant and the dependent child live in

such a living arrangement as a condition of continued receipt of TANF benefits. If the Department determines that the applicant's circumstances have changed and the current arrangement ceases to be appropriate, the applicant may live in an alternative appropriate arrangement and continue to receive TANF benefits.

"(2) For the purposes of this subsection, the term 'Second chance home' means an entity that provides individuals described in subsection (b)(1), (2), (4), and (5) of this section with a supportive and supervised living arrangement in which they are required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence and the well-being of their children."

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Section 4(c) of D.C. Law 12-230 rewrote (a), (b), (d); and added (e).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 4(a) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 4(a) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 4(a) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 4(c) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 4(c) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 4(c) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 4(c) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 11-72. — See note to § 3-205.61.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Expiration of Law 11-72. — See note to § 3-205.1.

§ 3-205.64. Failure to meet home living requirement; notice.

(a) In accordance with regulations issued by the Mayor, a pregnant or parenting teen subject to the provisions of § 3-205.63 shall be informed of the eligibility requirements and the pregnant or parenting teen's rights and obligations. The Department shall advise the pregnant or parenting teen of the exemptions from the home living requirement as outlined in § 3-205.63(b) and (e). The Department shall determine whether one or more of these exemptions is applicable. The Department shall also assist the pregnant or parenting teen in attaining the necessary verifications if the teen alleges one or more of the exemptions. The pregnant or parenting teen shall not be required to obtain verification or take steps that could endanger the pregnant or parenting teen's health or safety or that of the pregnant or parenting teen's child. The regulations shall include provisions to ensure that the pregnant or parenting teen understands his or her rights under this subtitle, the meaning of each exemption under § 3-205.63, and is given an opportunity to speak with the Department outside of the presence of the pregnant or parenting teen's parent, legal guardian, or other adult relative.

(b) If the pregnant or parenting teen or the pregnant or parenting teen's parent, legal guardian, or other adult relative does not request a fair hearing pursuant to § 3-210.5, or, if after a fair hearing has been held, the hearing officer finds that the teen is not exempt from the home living requirement and has otherwise failed to meet the requirements of § 3-205.63, the Department shall, after providing adequate and timely notice, render the pregnant or parenting teen ineligible for TANF benefits in the next possible payment month. The pregnant or parenting teen's ineligibility shall not affect the eligibility for TANF benefits of a child living with the pregnant or parenting teen who, if otherwise eligible, may receive TANF benefits determined without regard to the needs of the ineligible pregnant or parenting teen. (Apr. 6, 1982, D.C. Law 4-101, § 564, as added Oct. 27, 1995, D.C. Law 11-72, § 101, 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 4(d), 46 DCR 905.)

Section references. — This section is referred to in § 3-205.61.

Effect of amendments. — D.C. Law 12-241 rewrote the section.

Temporary amendment of section. — Section 4(b) of D.C. Law 12-7 amended this section to read as follows:

"(a) In accordance with regulations issued by the Mayor, the applicant shall be informed of the eligibility requirements and the applicant's rights and obligations. The Department shall advise the applicant of the exemptions from the home living requirement as outlined in § 3-

205.63(b) and (e). The Department shall determine whether one or more of these exemptions from the home living requirement is applicable. The Department shall also assist the applicant in attaining the necessary verifications if one or more of the exemptions is alleged by the applicant; provided, that the applicant shall not be required to obtain verification or take steps which could endanger the applicant's health and safety. The regulations shall include provisions to ensure that the applicant understands his or her rights under this subchapter, the meaning of each exemption under § 3-

205.63(b) and (e), and has an opportunity to speak with the Department outside the presence of his or her parent or legal guardian.

“(b) If the applicant or his or her parent does not request a fair hearing pursuant to § 3-210.5, or, if after a fair hearing has been held, the hearing officer finds that the applicant is not exempt from the home living requirement and has otherwise failed to meet the requirements of § 3-205.63, the Department shall provide notice as required by this subchapter and render the participant ineligible for federally-funded TANF benefits in the next possible payment month.”

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 4(b) of D.C. Law 12-130 amended the section to read as follows:

“(a) In accordance with regulations issued by the Mayor, the applicant shall be informed of the eligibility requirements and the applicant’s rights and obligations. The Department shall advise the applicant of the exemptions from the home living requirement as outlined in § 3-205.63(b) and (e). The Department shall determine whether one or more of these exemptions from the home living requirement is applicable. The Department shall also assist the applicant in attaining the necessary verifications if one or more of the exemptions is alleged by the applicant; provided, that the applicant shall not be required to obtain verification or take steps which could endanger the applicant’s health and safety. The regulations shall include provisions to ensure that the applicant understands his or her rights under this subchapter, the meaning of each exemption under § 3-205.63(b) and (e), and has an opportunity to speak with the Department outside the presence of his or her parent or legal guardian.

“(b) If the applicant or his or her parent does not request a fair hearing pursuant to § 3-210.5, or, if after a fair hearing has been held, the hearing officer finds that the applicant is not exempt from the home living requirement and has otherwise failed to meet the requirements of § 3-205.63, the Department shall provide notice as required by this subchapter and render the participant ineligible for federally-funded TANF benefits in the next possible payment month.”

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 4(d) of D.C. Law 12-230 rewrote the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 4(c) [§ 4(b)] of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 4(b) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 4(b) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 4(d) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 4(d) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 4(d) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 4(d) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 11-72. — See note to § 3-205.61.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Expiration of Law 11-72. — See note to § 3-205.1.

§ 3-205.65. Eligibility for public assistance; learnfare.

(a)(1) As a condition of eligibility for federally-funded TANF benefits, a pregnant or parenting teen who is not married and has not successfully completed a high school education or its equivalent shall be required to attend school regularly (as defined by the Board or other entity that determines the

attendance policies at the pregnant or parenting teen's educational institution or program) or be determined ineligible for federally-funded TANF benefits.

(2) The requirements of paragraph (1) of this subsection shall not affect the eligibility for TANF benefits of a child living with a pregnant or parenting teen who, if otherwise eligible, may receive TANF benefits determined without regard to the needs of the ineligible pregnant or parenting teen.

(b) The types of schools that can be attended to meet the school attendance requirements of subsection (a) of this subsection are as follows: a public school, private school, independent school, parochial school, private instruction, or a course of study or home school program meeting the standards established by the Board for granting a high school equivalency diploma.

(c) A pregnant or parenting teen who fails to meet the school attendance requirements set forth in subsection (a) of this section shall be provided counseling, tutoring, or other supportive services deemed appropriate by the Department to help the pregnant or parenting teen improve school attendance, or in the case of a drop-out, to return to school. Such supportive services will be provided as appropriations are available and in accordance with regulations issued by the Mayor.

(d) The determination of a pregnant or a parenting teen's ineligibility for federally-funded TANF benefits made pursuant to subsection (a) of this section shall be effective for one month for each month that the pregnant or parenting teen fails to meet the school attendance requirements set forth in subsection (a) of this section. In the case of a dropout, the sanctions shall remain in force until the dropout provides written proof from a school that the dropout has re-enrolled in school and met the school attendance requirements of subsection (a) of this section for one calendar month. Any month in which school is in session for at least 10 days may be used to meet the school attendance requirements.

(e) If the Department determines that a pregnant or parenting teen who has been determined ineligible for federally-funded TANF benefits pursuant to subsection (a) of this section has satisfied the requirements of subsection (d) of this section, the determination of ineligibility for federally-funded TANF benefits shall be rescinded in the next possible payment month. The pregnant or parenting teen shall not receive payment for the remainder of the month in which compliance occurs. The first payment that resumes after the pregnant or parenting teen complies with subsection (d) of this section may be delayed, depending on the date of compliance.

(f) A pregnant or parenting teen's absence on any particular day shall be determined to be an excused or an unexcused absence based on the policies of the Board or other entity that determines the attendance policies at the teen's educational institution or program. Notwithstanding such policies, a pregnant or parenting teen's absence on a particular day shall be excused under the following circumstances:

(1) The Department determines, in accordance with regulations issued by the Mayor, that child care services are necessary for the pregnant or parenting teen to attend school and there is no District funded child care service available; child care service shall be considered unavailable if there is no space for the pregnant or parenting teen's child in a licensed child development facility within reasonable time and distance from the pregnant or parenting

teen's home, or if the cost of care where space is available is excessive in the judgment of the Department and the pregnant and parenting teen participates in an alternative educational or training program that has been approved by the Department; or

(2) The pregnant or parenting teen is the caretaker of a child fewer than 12 weeks old.

(g) The determination of a pregnant or parenting teen's ineligibility for federally-funded TANF benefits provided by subsection (a) of this section shall not apply if the information about the pregnant or parenting teen's school attendance is not available or cannot be verified by the school or the approved alternative educational or training program.

(h) The pregnant or parenting teen, or his or her parent, caretaker, or legal guardian, shall cooperate in providing information to verify enrollment information or good cause for absence from school. If at least one of these individuals does not cooperate, the pregnant or parenting teen shall be determined ineligible for federally-funded TANF benefits for each month in which one of the individuals does not cooperate.

(i) The Department shall request school attendance information for a pregnant or parenting teen compiled by a school whenever necessary to ascertain school attendance requirements as required by this section.

(j) The Department shall request information from the pregnant or parenting teen's school, institution, or educational program about the attendance of a pregnant or parenting teen who is applying for or receiving federally-funded TANF benefits, and shall otherwise implement procedures for monitoring compliance with this section.

(k) School attendance records shall be open for inspection at all times to the Department or other persons authorized to enforce this section; provided, that prior written informed consent is given by the parent, caretaker, or legal guardian of a pregnant or parenting teen or by an emancipated pregnant or parenting teen.

(l) It shall be the duty of each person designated by the Superintendent of Schools, every parochial school teacher, every private school teacher, and every teacher who gives instruction privately, to provide information, upon the request of the Department, as soon as practicable to the Department concerning the school attendance of a pregnant or parenting teen who is applying for or receives federally-funded TANF benefits.

(m) This section shall apply to all applicants for, or recipients of, federally-funded TANF benefits. (Apr. 6, 1982, D.C. Law 4-101, § 565, as added Oct. 27, 1995, D.C. Law 11-72, § 101, 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 4(e), 46 DCR 905.)

Section references. — This section is referred to in §§ 3-205.61 to 3-205.63 and 3-205.66.

Effect of amendments. — D.C. Law 12-241 rewrote (a) and (e); in (f), rewrote the introductory language; in the last sentence of (f)(1), added "and the pregnant and parenting teen participates in an alternative educational or training program that has been approved by the Department" following "in the judgment of the department"; in (f)(2), substituted "12

weeks" for "90 days"; rewrote (g); in (h), substituted "be determined ineligible for federally-funded TANF benefits for each month in which one of the individuals does not cooperate" for "received reduced AFDC benefits"; rewrote (j); in (l), substituted "is applying for or receives federally-funded TANF benefits" for "participates in the Demonstration Project"; and added (m).

Temporary amendment of section. — Section 4(c) of D.C. Law 12-7 amended (a), (d),

(e), (f), (g), (h), (j), and (l) and added (m) to read as follows:

"(a)(1) As a condition of eligibility for federally-funded TANF benefits, a pregnant or parenting teen who is not married and has not successfully completed a high school education or its equivalent shall be required to attend school regularly each semester and experience no more than 10 full school days or 20 half school days, as defined by the Board, of unexcused absences in 1 school semester or be determined ineligible for federally-funded assistance.

"(2) The requirements of paragraph (1) of this subsection shall not affect the eligibility for TANF benefits of a child living with a pregnant or parenting teen who, if otherwise eligible, may receive TANF benefits determined without regard to the needs of the ineligible pregnant or parenting teen.

"(d) The determination of a pregnant or parenting teen's ineligibility for federally-funded TANF benefits made pursuant to subsection (a) of this section shall be effective for 1 month for each month that the pregnant or parenting teen fails to meet the school attendance requirements set forth in subsection (a) of this section. In the case of a dropout, the sanctions shall remain in force until the dropout provides written proof from a school that the dropout has re-enrolled in school and met the school attendance requirements of subsection (a) of this section for 1 calendar month. Any month in which school is in session for at least 10 days may be used to meet the school attendance requirements.

"(e) If the Department determines that a pregnant or parenting teen who has been determined ineligible for federally-funded TANF benefits pursuant to subsection (a) of this section has satisfied the requirements of subsection (d) of this section, the determination of ineligibility for federally-funded TANF benefits shall be rescinded in the next possible payment month.

"(f) A pregnant or parenting teen shall be excused from the school attendance requirements of subsection (a) of this section when there is good cause demonstrated pursuant to Chapter 21 of Title 5 of the District of Columbia Municipal Regulations. For the purposes of this subsection, the Department shall determine that good cause is demonstrated by the following circumstances:

"(1) The Department determines, in accordance with regulations issued by the Mayor, that child care services are necessary for the pregnant or parenting teen to attend school and there is no District funded child care service available; child care service shall be considered unavailable if there is no space for the pregnant or parenting teen's child in a licensed child development facility within reasonable time

and distance from the pregnant or parenting teen's home, or if the cost of care where space is available is excessive in the judgment of the Department and the pregnant and parenting teen participates in an alternative educational or training program that has been approved by the Department; or

"(2) The pregnant or parenting teen is the caretaker of a child fewer than 12 weeks old.

"(g) The determination of a pregnant or parenting teen's ineligibility for federally-funded TANF benefits provided by subsection (a) of this section shall not apply if the information about the pregnant or parenting teen's school attendance is not available or cannot be verified by the school or approved alternative educational or training program.

"(h) The pregnant or parenting teen, or his or her parent, caretaker, or legal guardian, shall cooperate in providing information to verify enrollment information or good cause for absence from school. If at least 1 of these individuals does not cooperate, the pregnant or parenting teen shall be determined ineligible for federally-funded TANF benefits for each month in which one of the individuals does not cooperate.

"(j) For a pregnant or parenting teen who is applying for or receives federally-funded TANF benefits, the Department shall request information from the pregnant or parenting teen applicant's school about the pregnant or parenting teen applicant's most recently completed semester of attendance.

"(l) It shall be the duty of each person designated by the Superintendent of Schools, every parochial school teacher, every private school teacher, and every teacher who gives instruction privately, to provide information, upon the request of the Department, as soon as practicable to the Department concerning the school attendance of a pregnant or parenting teen who is applying for or receives federally-funded TANF benefits.

"(m) This section shall apply to all applicants for, or recipients of, federally-funded TANF benefits."

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 4(c) of D.C. Law 12-130 amended (a)(1), (2), (d), (e), (f)-(h), (j), (l) and (m) to read as follows:

"(a)(1) As a condition of eligibility for federally-funded TANF benefits, a pregnant or parenting teen who is not married and has not successfully completed a high school education or its equivalent shall be required to attend school regularly each semester and experience no more than 10 full school days or 20 half school days, as defined by the Board, of unex-

cused absences in one school semester or be determined ineligible for federally-funded assistance.

"(2) The requirements of paragraph (1) of this subsection shall not affect the eligibility for TANF benefits of a child living with a pregnant or parenting teen who, if otherwise eligible, may receive TANF benefits determined without regard to the needs of the ineligible pregnant or parenting teen.

"(d) The determination of a pregnant or parenting teen's ineligibility for federally-funded TANF benefits made pursuant to subsection (a) of this section shall be effective for one month for each month that the pregnant or parenting teen fails to meet the school attendance requirements set forth in subsection (a) of this section. In the case of a dropout, the sanctions shall remain in force until the dropout provides written proof from a school that the dropout has re-enrolled in school and met the school attendance requirements of subsection (a) of this section for one calendar month. Any month in which school is in session for at least 10 days may be used to meet the school attendance requirements.

"(e) If the Department determines that a pregnant or parenting teen who has been determined ineligible for federally-funded TANF benefits pursuant to subsection (a) of this section has satisfied the requirements of subsection (d) of this section, the determination of ineligibility for federally-funded TANF benefits shall be rescinded in the next possible payment month.

"(f)(1) The Department determines, in accordance with regulations issued by the Mayor, that child care services are necessary for the pregnant or parenting teen to attend school and there is no District funded child care service available; child care service shall be considered unavailable if there is no space for the pregnant or parenting teen's child in a licensed child development facility within reasonable time and distance from the pregnant or parenting teen's home, or if the cost of care where space is available is excessive in the judgment of the Department and the pregnant and parenting teen participate in an alternative educational or training program that has been approved by the Department; or

"(2) The pregnant or parenting teen is the caretaker of a child fewer than 12 weeks old.

"(g) The determination of a pregnant or parenting teen's ineligibility for federally-funded TANF benefits provided by subsection (a) of this section shall not apply if the information about the pregnant or parenting teen's school attendance is not available or cannot be verified by the school or approved alternative educational or training program.

"(h) The pregnant or parenting teen, or his or her parent, caretaker, or legal guardian, shall cooperate in providing information to verify enrollment information or good cause for absence from school. If at least one of these individuals does not cooperate, the pregnant or parenting teen shall be determined ineligible for federally-funded TANF benefits for each month in which one of the individuals does not cooperate.

"(j) For a pregnant or parenting teen who is applying for or receives federally-funded TANF benefits, the Department shall request information from the pregnant or parenting teen applicant's school about the pregnant or parenting teen applicant's most recently completed semester of attendance.

"(l) It shall be the duty of each person designated by the Superintendent of Schools, every parochial school teacher, every private school teacher, and every teacher who gives instruction privately, to provide information, upon the request of the Department, as soon as practicable to the Department concerning the school attendance of a pregnant or parenting teen who is applying for or receives federally-funded TANF benefits.

"(m) This section shall apply to all applicants for, or recipients of, federally-funded TANF benefits.

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 4(e) of D.C. Law 12-230 rewrote (a) and (e); in (f), rewrote the introductory language; in the last sentence of (f)(1), added "and the pregnant and parenting teen participates in an alternative educational or training program that has been approved by the Department" following "in the judgment of the department"; in (f)(2), substituted "12 weeks" for "90 days"; rewrote (g); in (h), substituted "be determined ineligible for federally-funded TANF benefits for each month in which one of the individuals does not cooperate" for "received reduced AFDC benefits"; rewrote (j); in (l), substituted "is applying for or receives federally-funded TANF benefits" for "participates in the Demonstration Project"; and added (m).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 4(d) [§ 4(c)] of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 4(c) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 4(c) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 4(e) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 4(e) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 4(e) of the Self-Sufficiency Promotion Congressional

Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 4(e) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 11-72. — See note to § 3-205.61.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Expiration of Law 11-72. — See note to § 3-205.1.

§ 3-205.66. Failure to meet school attendance requirements; notice.

(a) Upon determination that a pregnant or parenting teen has failed without good cause to meet the school attendance requirements of subsection (b) of this section, the Department shall provide notice which specifies the following:

(1) That the pregnant or parenting teen has a right to review and copy his or her records at the expense of the pregnant or parenting teen's school pursuant to Chapter 26 of Title 5 of the District of Columbia Municipal Regulations;

(2) That prior to any action against the pregnant or parenting teen, he or she has a right to challenge, in writing, the contents of his or her school records pursuant to Chapter 26 of Title 5 of the District of Columbia Municipal Regulations; and

(3) That the pregnant or parenting teen is entitled to a hearing if he or she is not satisfied with the administrative decision pursuant to Chapter 26 of Title 5 of the District of Columbia Municipal Regulations.

(b) If the pregnant or parenting teen, or his or her parent or guardian, does not request a fair hearing pursuant to § 3-210.5, or, if after a fair hearing has been held, the hearing officer finds that the pregnant or parenting teen is not exempt from the school attendance requirements imposed by § 3-205.65(a), the Department shall determine the pregnant or parenting teen ineligible for federally-funded TANF benefits in the next possible payment month.

(c) The Department of Human Services shall develop an incentive program, in consultation with the District of Columbia Public Schools, to encourage school attendance and recognize those who meet the attendance requirements. (Apr. 6, 1982, D.C. Law 4-101, § 566, as added Oct. 27, 1995, D.C. Law 11-72, § 101, 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 4(f), 46 DCR 905.)

Section references. — This section is referred to in § 3-205.61.

Effect of amendments. — D.C. Law 12-241 substituted "determine the pregnant or

parenting teen ineligible for federally-funded TANF benefits" for "reduce the applicant's AFDC assistance by \$50" in (b).

Temporary amendment of section. — Section 4(d) of D.C. Law 12-7 amended (b) to read as follows:

"(b) If the pregnant or parenting teen, or his or her parent or guardian, does not request a fair hearing pursuant to § 3-210.5, or, if after a fair hearing has been held, the hearing officer finds that the pregnant or parenting teen is not exempt from the school attendance requirements imposed by § 3-205.65(a), the Department shall determine the pregnant or parenting teen's ineligibility for federally-funded TANF benefits in the next possible payment month."

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 4(d) of D.C. Law 12-130 amended (b) to read as follows:

"(b) If the pregnant or parenting teen, or his or her parent or guardian, does not request a fair hearing pursuant to § 3-210.5, or, if after a fair hearing has been held, the hearing officer finds that the pregnant or parenting teen is not exempt from the school attendance requirements imposed by § 3-205.65(a), the Department shall determine the pregnant or parenting teen ineligible for federally-funded TANF benefits in the next possible payment month."

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 4(f) of D.C. Law 12-230 substituted "determine the pregnant or parenting teen ineligible for federally-funded TANF benefits" for "reduce the applicant's AFDC assistance by \$50" in (b).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act

of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 4(d) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 4(d) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 4(d) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900)..

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 4(f) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 4(f) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 4(f) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 4(f) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 11-72. — See note to § 3-205.61.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Expiration of Law 11-72. — See note to § 3-205.1.

§ 3-205.67. Expansion of Jobs Opportunities and Basic Skills and Alternative Work Experience Programs.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 567, as added Oct. 27, 1995, D.C. Law 11-72, § 101, 42 DCR 4728; Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

Temporary repeal of section. — Section 4(g) of D.C. Law 12-230 provided for the repeal of this section.

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 4(g) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 4(g) of the Self-Sufficiency Promotion Legislative Review Emergency Amend-

ment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 4(g) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 4(g) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.68. Duties of the Mayor.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 568, as added Oct. 27, 1995, D.C. Law 11-72, § 101, 42 DCR 4728; Apr. 20, D.C. Law 12-241, § 4(g), 46 DCR 905.)

Temporary repeal of section. — Section 4(g) of D.C. Law 12-230 provided for the repeal of the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 4(g) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 4(g) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 4(g) of the Self-Sufficiency Promotion Congressional Review Emer-

gency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 4(g) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.69. Denial of assistance for fraudulent misrepresentation of residency.

(a) A person who has been convicted in a federal, District of Columbia, or state court of making a fraudulent statement or representation with respect to that person's place of residence in order to receive assistance simultaneously from 2 or more states under programs that are funded under title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2105; 42 U.S.C. § 601 et seq.), title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 et seq.), or the Food Stamp Act of 1977, approved September 29, 1977 (91 Stat. 958; 7 U.S.C. § 2011 et seq.), or to receive benefits in 2 or more states under the Supplemental Security Income program under title XVI of the Social Security Act, approved October 30, 1972 (86 Stat. 1465; 42 U.S.C. § 1381 et seq.), shall be ineligible for TANF benefits for 10 years from the date of the conviction.

(b) Subsection (a) of this section shall not apply with respect to conduct of an individual for any month beginning after the President of the United States grants a pardon with respect to the conduct that was the subject of the conviction. (Apr. 6, 1982, D.C. Law 4-101, § 569, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of section. — Section 4(e) of D.C. Law 12-7 and section 4(e) of D.C.

Law 12-130 added § 3-205.69 to read as follows:

“§ 3-205.69 Denial of assistance for fraudulent misrepresentation of residency.

“(a) A person who has been convicted in a federal, District of Columbia, or state court of making a fraudulent statement or representation with respect to that person's place of residence in order to receive assistance simultaneously from 2 or more states under programs that are funded under title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, title XIX of the Social Security Act (42 U.S.C. § 1396 et seq.), or the Food Stamp Act of 1977 (7 U.S.C. § 2011 et seq.), or benefits in 2 or more states under the Supplemental Security Income program under title XVI of the Social Security Act (42 U.S.C. § 1381 et seq.), shall be ineligible for TANF benefits for 10 years from the date of the conviction.

“(b) Subsection (a) of this section shall not apply with respect to conduct of an individual for any month beginning after the President of the United States grants a pardon with respect to the conduct which was the subject of the conviction.”

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 7(b) of D.C. Law 12-130 provided that the act shall expire after 225 days of its having taken effect.

Section (4)(h) of D.C. Law 12-230 added this section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary addition of §§ 3-205.69 and 3-205.70, see § 4(e) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), § 4(e) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181), and § 4(e) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary addition of §§ 3-205.69 through 3-205.82, see § 4(h) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 4(h) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 4(h) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 4(h) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the retroactive application of the act.

Section 18 of D.C. Act 13-19 provides for the retroactive application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.70. Denial of assistance for fugitive felons and probation and parole violators.

(a) A person shall be ineligible for TANF benefits if that person:

(1) Flees to avoid prosecution, custody, or confinement after conviction, under the laws of the jurisdiction from which the person flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the jurisdiction from which the individual flees, or which, in the case of the State of New Jersey, is a high misdemeanor under New Jersey law; or

(2) Violates a condition of probation or parole imposed under federal, District of Columbia, or state law.

(b) Subsection (a) of this section shall not apply with respect to conduct of an individual for any month beginning after the President of the United States grants a pardon with respect to the conduct. (Apr. 6, 1982, D.C. Law 4-101, § 570, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of section. — Section 4(e) of D.C. Law 12-7 and section 4(e) of D.C. Law 12-130 added § 3-205.70 to read as follows.

§ 3-205.70. Denial of assistance for fugitive felons and probation and parole violators.

“(a) A person shall be ineligible for TANF benefits if that person:

“(1) Flees to avoid prosecution, custody, or confinement conviction, under the laws of the jurisdiction from which the person flees for a crime, or an attempt to commit a crime, s a felony under the laws of the jurisdiction from which the individual flees; or

“(2) Violates a condition of probation or parole imposed under federal, District of Columbia, or state law.

“(b) Subsection (a) of this section shall not apply with respect to conduct of an individual for any month beginning after the President of the United States grants a pardon with respect to the conduct.

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 7(b) of D.C. Law 12-130 provided that the act shall expire after 225 days of its having taken effect.

Section 4(h) of D.C. Law 12-230 added this section.

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — See notes to § 3-205.69.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.71. Granting TANF benefits to drug felons.

An adult who is a drug felon shall not be denied TANF benefits solely because he or she is a drug felon. (Apr. 6, 1982, D.C. Law 4-101, § 571, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of section. — Section 4(h) of D.C. Law 12-230 added the section.

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — See notes to § 3-205.69.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.72. POWER — Establishment; eligibility.

(a) There is established a Program on Work, Employment, and Responsibility (“POWER”), eligibility for which shall be the same as the factors, standards, and methodology for determining eligibility for TANF, as set forth in this subchapter, except as provided by subsections (b), (c), and (d) of this section, §§ 3-205.73 through 3-205.77.

(b) An assistance unit shall be eligible for POWER under the following circumstances:

(1) The head of the assistance unit is the parent of a minor child;

(2) The head of the assistance unit is physically or mentally incapacitated; and

(3) The physical or mental incapacity of the head of the assistance unit rises to the level of incapacity outlined by subsection (c) of this section.

(c) For the purposes of subsection (b) of this section, physical and mental incapacity must be verified by competent medical evidence and when considered with the head of the assistance unit’s age, prior work experience,

education, and other factors bearing on the head of the assistance unit's ability to work, as determined relevant by the Mayor:

- (1) Substantially precludes the ability of the head of the assistance unit to work or to participate in job search or job readiness activities; and
- (2) Is expected to last more than 30 days.
- (d) A person is ineligible for POWER if that person receives:
 - (1) Temporary Assistance for Needy Families;
 - (2) Supplemental Security Income; or
 - (3) Unemployment Compensation benefits.
- (e) Sections 3-205.11a, and 3-205.19a through 3-205.19f, 3-205.19j, and 3-205.19k of this chapter, shall not apply to recipients of POWER benefits. (Apr. 6, 1982, D.C. Law 4-101, § 572, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Emergency act amendments. — See notes to § 3-205.69.

Temporary addition of section. — Section 4(h) of D.C. Law 12-230 added the section.

Section 18(b) of D.C. Law 12-230 provided

that the act shall expire after 225 days of its having taken effect.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.73. POWER — Application.

(a) The Mayor may only consider TANF applicants or TANF recipients for consideration for POWER eligibility.

(b) The Mayor may refer a TANF applicant or recipient for consideration of POWER eligibility at any time, including when a TANF applicant or recipient claims a medical incapacity exemption from work activities. (Apr. 6, 1982, D.C. Law 4-101, § 573, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of section. — Section 4(h) of D.C. Law 12-230 added the section.

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — See notes to § 3-205.69.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.74. POWER — Medical review.

(a) After the Mayor determines that a TANF applicant or recipient may be considered for POWER eligibility, the Mayor shall provide a medical review of the applicant or recipient to determine whether the applicant or recipient is incapacitated.

(b) The applicant or recipient shall cooperate with obtaining the medical review as a condition of eligibility for POWER. (Apr. 6, 1982, D.C. Law 4-101, § 574, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of section. — Section 4(h) of D.C. Law 12-230 added the section.

Section 18(b) of D.C. Law 12-230 provided

that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — See notes to § 3-205.69.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.75. POWER — Redetermination of eligibility.

(a) A POWER recipient's eligibility for POWER shall be redetermined at intervals determined by the Mayor.

(b) A POWER recipient, who is determined ineligible for POWER solely because the recipient is no longer incapacitated, or because other factors considered with the recipient's incapacity no longer substantially precludes the recipient's ability to work or to participate in job search or job readiness activities, shall be certified as eligible for TANF in a fashion that ensures financial assistance is not disrupted, if the recipient meets all TANF eligibility criteria. The Mayor shall provide adequate and timely notice that the POWER recipient has been determined ineligible for POWER. (Apr. 6, 1982, D.C. Law 4-101, § 575, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of section. — Section 4(h) of D.C. Law 12-230 added the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — See notes to § 3-205.69.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.76. POWER — Participation in activities to assist in achieving self-sufficiency.

(a) Following a preliminary assessment by the Mayor under TANF and a medical review, a person who has been determined to meet the eligibility criteria of § 3-205.72 shall be required, as a condition of eligibility for POWER benefits, to participate in activities that will assist the recipient in achieving self-sufficiency. The Mayor shall determine the nature, scope, amount and duration of the activities based on the medical review and the preliminary assessment.

(b) The Mayor shall promulgate rules establishing the nature and scope of the activities and the amount and duration of participation that may be required of a POWER recipient.

(c) Participation in activities required under this section shall not confer to the participant any entitlement to child care. The Mayor may provide access to publicly-funded child care to a POWER recipient if necessary for the recipient to participate in self-sufficiency activities. (Apr. 6, 1982, D.C. Law 4-101, § 576, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of section. — Section 4(h) of D.C. Law 12-230 added the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — See notes to § 3-205.69.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.77. POWER — Failure to participate in self-sufficiency activities.

(a) If a POWER recipient who is an adult or minor head of an assistance unit fails, without good cause (as determined by the Mayor) to participate in required activities to promote self-sufficiency, the recipient shall be sanctioned in the same manner as a TANF recipient who fails to comply with the requirements of an individual responsibility plan.

(b) The Mayor shall promulgate rules defining what constitutes good cause for failure to participate in required self-sufficiency activities, in addition to those grounds described in subsections (c), (d), and (e) of this section.

(c) The Mayor shall not sanction a POWER recipient based on the failure of the recipient to participate in self-sufficiency activities if the recipient is a single custodial parent caring for a child under 6 years old, and the recipient proves that the recipient has a demonstrated inability, as determined by the Mayor, to obtain needed child care for one or more of the following reasons:

(1) Appropriate child care within a reasonable distance from the recipient's home or participation site is unavailable;

(2) Informal child care by a relative or under other arrangements is unavailable or unsuitable; or

(3) Appropriate and affordable formal child care arrangements are unavailable.

(d) The Mayor shall not sanction a POWER recipient based on the failure of the recipient to participate in self-sufficiency activities if the Mayor has failed to notify the recipient of the self-sufficiency activities in which the recipient must participate.

(e)(1) The Mayor shall not sanction a POWER recipient based on the failure of the recipient to participate in self-sufficiency activities if the Mayor provides the activities but placement in those activities are not yet available to the recipient.

(2) This subsection shall only apply if the POWER recipient has complied with any other obligations required of POWER applicants or recipients. (Apr. 6, 1982, D.C. Law 4-101, § 577, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of section. — Section 4(h) of D.C. Law 12-230 added the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — See notes to § 3-205.69.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.78. POWER — Amount of assistance.

POWER payments shall be made in accordance with § 3-205.52. (Apr. 6, 1982, D.C. Law 4-101, § 578, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of section. — Section 4(h) of D.C. Law 12-230 added the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — See notes to § 3-205.69.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.79. POWER — No creation of an entitlement.

Nothing in this chapter shall be construed to create any entitlement to POWER benefits or to confer on any person or family any entitlement to POWER benefits. (Apr. 6, 1982, D.C. Law 4-101, § 579, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of section. — Section 4(h) of D.C. Law 12-230 added the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — See notes to § 3-205.69.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.80. POWER — Medicaid eligibility.

A POWER recipient shall be treated as a TANF recipient for purposes of Medicaid eligibility. (Apr. 6, 1982, D.C. Law 4-101, § 580, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of section. — Section 4(h) of D.C. Law 12-230 added the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — See notes to § 3-205.69.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.81. Diversion payments.

(a) For purposes of this section, “diversion payment” means a lump sum of money paid to an adult caring for a minor child in order to meet a short-term need that creates a barrier to self-sufficiency.

(b) The Mayor may make a diversion payment to the head of the assistance unit who is eligible to receive a diversion payment. Nothing in this section shall be construed to create any entitlement to a diversion payment, or to confer on any person any entitlement to a diversion payment.

(c) An individual shall be eligible to receive a diversion payment if the individual:

- (1) Is an adult;
- (2) Meets all financial eligibility requirements for TANF;
- (3) Lives with a minor child and is the caretaker of that child;
- (4) Has not received a diversion payment in the previous 12 months;
- (5) Has not received TANF, POWER, or GAC in the previous 6 months;

and

(6) Requires only short-term financial assistance to meet needs critical to maintaining or securing employment.

(d) A diversion payment shall be the amount determined by the Mayor to be necessary to meet the head of the assistance unit’s needs for short-term

financial assistance, but may not exceed 3 times the monthly amount of TANF benefits that the assistance unit would be eligible to receive under the TANF program.

(e) Consideration of the eligibility of a head of the assistance unit for a diversion payment may be made only after consideration of the eligibility of the head of the assistance unit for TANF, in accordance with regulations promulgated by the Mayor.

(f) The Mayor may only consider TANF applicants for consideration of diversion payment eligibility.

(g) The Mayor may refer a TANF applicant for consideration of diversion payment eligibility at any time.

(h) An applicant for assistance who the Mayor determines is eligible for diversion payment shall sign a document that lists the amount, requirements, and conditions of the diversion payment. The recipient's signature shall indicate an understanding of and agreement to the amount, requirements, and conditions.

(i) Any diversion payment made by the Mayor shall be issued to, or on behalf of, an eligible applicant as soon as practicable after the applicant submits a completed application for assistance and has been determined by the Mayor to be eligible for a diversion payment. An application shall not be considered complete until it includes all required information and necessary documentation.

(j) A recipient of a diversion payment, and anyone who remains a member of the recipient's assistance unit, shall be ineligible to receive TANF, POWER, or GAC benefits for the number of months equal to the amount of the diversion payment divided by the monthly payment of TANF benefits that the assistance unit would be eligible to receive under the TANF program, beginning with the month in which the recipient receives the diversion payment.

(k) Diversion payments shall not count towards the 60 month lifetime limit for the receipt of TANF.

(l) Receipt of a diversion payment shall not affect the recipient's right to receive child support for children in the recipient's care. (Apr. 6, 1982, D.C. Law 4-101, § 581, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of section. — Section 4(h) of D.C. Law 12-230 added the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — See notes to § 3-205.69.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-205.82. Provision of information concerning the Earned Income Credit.

(a) At least once per year, the Mayor may provide written notice regarding the federal Earned Income Tax Credit to each individual listed in subsection (c) of this section.

(b) The notice specified in subsection (a) of this section may include information regarding the following:

(1) A summary of the eligibility requirements for the Earned Income Credit;

(2) The amount of the maximum allowable Earned Income Credit for different family sizes;

(3) A summary of the process for applying for the Earned Income Credit, including the process for receiving advanced payments of the credit; and

(4) A telephone number to call to receive additional information about the Earned Income Credit.

(c) The notice specified in subsection (a) of this section may be provided to:

(1) Each TANF head of an assistance unit;

(2) Each adult who receives Medicaid benefits or who is caring for a child who receives Medicaid benefits; and

(3) Each Food Stamp program head of household. (Apr. 6, 1982, D.C. Law 4-101, § 582, as added Apr. 20, 1999, D.C. Law 12-241, § 4(g), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of section. — Section 4(h) of D.C. Law 12-230 added the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — See notes to § 3-205.69.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Subchapter VI. Emergency Public Assistance.

§ 3-206.1. Authorized; limitation.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 601, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(ww), 46 DCR 905.)

Temporary repeal of section. — Section 2(ww) of D.C. Law 12-230 repealed this section.

Section 18(b) of D.C. Law 12-230 provided that the act shall expire 225 days after its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 2(ww) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ww) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ww) of the Self-Sufficiency Promotion Congressional Re-

view Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ww) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-206.2. Crisis Assistance and Service Program.

The Mayor, in administering the Crisis Assistance and Service Program, may claim federal financial participation to the extent allowable by law for assistance and services to needy families with children, provided the family has not received assistance from any emergency program for more than 30 consecutive days within the last 12 months and provided the crisis did not arise because the child, parent, or other relative refused without good cause to accept employment or training for employment. (Apr. 6, 1982, D.C. Law 4-101,

§ 602, 29 DCR 1060; July 14, 1995, D.C. Law 11-24, § 3(a), 42 DCR 2561; Apr. 9, 1997, D.C. Law 11-192, § 3(a), 43 DCR 4285.)

Effect of amendments. — D.C. Law 11-192 substituted “may” for “shall.”

Temporary amendment of section. — D.C. Law 11-24 substituted “may claim” for “shall claim” at the beginning.

Section 5(b) of D.C. Law 11-24 provided that the act shall expire on the 225th day of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 3(a) of the Emergency Assistance Clarification Emergency Amendment Act of 1995 (D.C. Act 11-36, April 11, 1995, 42 DCR 1839), § 3(a) of the Emergency Assistance Clarification Congressional Recess Emergency Amendment Act of 1995 (D.C. Act 11-105, July 21, 1995, 42 DCR 4019), § 3(a) of the Emergency Assistance Clarification Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-425, October 28, 1996, 43 DCR 6141), § 3(a) of the Emergency Assistance Clarification Second Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-485, January 2, 1997, 44 DCR 630), and see § 3(a) of the Emergency Assistance Clarification Congressional Review

Emergency Amendment Act of 1997 (D.C. Act 12-42, March 31, 1997, 44 DCR 2091).

Legislative history of Law 11-24. — Law 11-24, the “Emergency Assistance Clarification Temporary Amendment Act of 1995,” was introduced in Council and assigned Bill No. 11-187, which was retained by Council. The Bill was adopted on first and second readings on April 4, 1995, and May 2, 1995, respectively. Signed by the Mayor on May 15, 1995, it was assigned Act No. 11-52 and transmitted to both Houses of Congress for its review. D.C. Law 11-24 became effective on July 14, 1995.

Legislative history of Law 11-192. — Law 11-192, the “Emergency Assistance Clarification Amendment Act of 1996,” was introduced in Council and assigned Bill No. 11-188, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 6, 1996, and July 3, 1996, respectively. Signed by the Mayor on July 22, 1996, it was assigned Act No. 11-348 and transmitted to both Houses of Congress for its review. D.C. Law 11-192 became effective on April 9, 1997.

§ 3-206.3. Emergency Shelter Family Services Program.

(a) The Mayor is authorized to operate an Emergency Shelter Family Program, which may claim federal financial participation to the extent allowable by law for housing assistance and services to homeless families with minor children. Homeless families with minor children shall not be required, requested, or encouraged to separate in order to be eligible for emergency shelter housing assistance or services under this chapter.

* * * * *

(e)(1) Under guidelines established pursuant to subsection (l) of this section, the Mayor shall require homeless families, and who have been placed in emergency shelter family housing for more than 30 consecutive calendar days and who have the ability to pay, to pay a reasonable monthly fee in an amount up to 30% of the homeless family’s monthly gross income excluding the income of any dependent minor as deductions for work and child care expenses.

(2) Repealed.

* * * * *

(g) Beginning one year from March 11, 1988, the Mayor shall not place a homeless family with minor children in a hotel, motel, or other similar shelter unless:

* * * * *

(2) The placement is for no longer than 90 calendar days, provided that this section shall not be construed to require or authorize the refusal to house or the displacement of any family otherwise entitled to shelter.

* * * * *

(July 14, 1995, D.C. Law 11-24, § 3(b), 42 DCR 2561; July 25, 1995, D.C. Law 11-29, § 2(c), 42 DCR 2950; Sept. 26, 1995, D.C. Law 11-52, § 502(f), 42 DCR 3684; Apr. 9, 1997, D.C. Law 11-192, § 3(b), 43 DCR 4285.)

Effect of amendments. — D.C. Law 11-52, in (e)(1), deleted “who are not receiving AFDC, and” following “homeless families” and substituted “excluding the income of any dependent minor and” for “after adjustments such as”; and repealed former (e)(2).

D.C. Law 11-192 substituted “may” for “shall” in the first sentence of (a); and substituted “90 calendar days” for “15 calendar days” in (g)(2).

Temporary amendment of section. — D.C. Law 11-24 substituted “may” for “shall” in the first sentence of (a); and substituted “90 calendar days” for “15 calendar days” in (g)(2).

Section 5(b) of D.C. Law 11-24 provided that the act shall expire on the 225th day of its having taken effect.

D.C. Law 11-29, in (e)(1), deleted “who are not receiving AFDC, and” following “homeless families” and substituted “excluding the income of any dependent minor and” for “after adjustments such as”; and repealed former (e)(2).

Emergency act amendments.

For temporary amendment of section, see § 2(c) of the Human Services Spending Reduction Emergency Amendment Act of 1995 (D.C. Act 11-35, April 11, 1995, 42 DCR 1834) and § 2(c) of the Human Services Spending Reduction Congressional Recess Emergency Amendment Act of 1995 (D.C. Act 11-104, July 21, 1995, 42 DCR 4014).

For temporary amendment of section, see § 3(b) of the Emergency Assistance Clarification Emergency Amendment Act of 1995 (D.C. Act 11-36, April 11, 1995, 42 DCR 1839), § 3(b) of the Emergency Assistance Clarification Congressional Recess Emergency Amendment Act of 1995 (D.C. Act 11-105, July 21, 1995, 42 DCR 4019), § 3(b) of the Emergency Assistance Clarification Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-425, October 28, 1996, 43 DCR 6141), § 3(b) of the Emergency Assistance Clarification Second Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-485, January 2, 1997, 44 DCR 630), and § 3(b) of the Emergency Assistance Clarification Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-42, March 31, 1997, 44 DCR 2091).

For temporary amendment of section, see § 502(f) of the Omnibus Budget Support Con-

gressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

Legislative history of Law 11-29. — See note to § 3-205.43.

Legislative history of Law 11-52. — See note to § 3-204.6.

Legislative history of Law 11-192. — See note to § 3-206.2.

D.C. Law Review. — For article, “Combating unnecessary family separation: How to seek court-ordered housing for families in the District of Columbia neglect system,” see 2 D.C. L. Rev. 25 (1993).

For article, “The District of Columbia’s response to homelessness: Depending on the kindness of strangers,” see 2 D.C. L. Rev. 47 (1993).

Purpose of section. — Nothing in this section suggests that the District must provide housing for homeless families in remote locations away from busy streets. Its purpose was wholly unrelated to ensuring pedestrian safety. Powell ex rel. Ricks v. District of Columbia, App. D.C., 634 A.2d 403 (1993).

No property interest created. — The District’s laws and regulations governing the city’s emergency family shelter program do not create a constitutionally protected property interest in shelter, which in turn would require that the District’s allocation and appeal procedures satisfy due process standards. Washington Legal Clinic for Homeless v. Barry, 107 F.3d 32 (D.C. Cir. 1997).

Liability for negligent acts. — Assuming that the District violated this act, as a matter of law any breach would have been so unrelated to pedestrian safety could not have been the proximate cause of injuries incurred by a school child hit by a car outside an emergency shelter in which he and his family had been placed. Powell ex rel. Ricks v. District of Columbia, App. D.C., 634 A.2d 403 (1993).

McKinney Act assistance and services to the homeless. — This section and § 3-602.1 do not compel the Mayor to apply for McKinney Act assistance, 42 U.S.C. § 11432, nor do they embrace education or transportation services for the homeless. Lampkin v. District of Columbia, 886 F. Supp. 56 (D.D.C. 1995).

§ 3-206.4. Family Emergency Services Program.

The Mayor, in administering the Family Emergency Services Program, may claim federal financial participation to the extent allowable by law for assistance and services to needy families with children, provided the family has not received assistance from any emergency program for more than 30

consecutive days within the last 12 months, and provided the emergency did not arise because the child, parent, or other relative refused without good cause to accept employment or training for employment. (Apr. 6, 1982, D.C. Law 4-101, § 604, 29 DCR 1060; July 14, 1995, D.C. Law 11-24, § 3(c), 42 DCR 2561; Apr. 9, 1997, D.C. Law 11-192, § 3(c), 43 DCR 4285.)

Effect of amendments. — D.C. Law 11-192 substituted “may claim” for “shall claim.”

Temporary amendment of section. — D.C. Law 11-24 substituted “may claim” for “shall claim.”

Section 5(b) of D.C. Law 11-24 provided that the act shall expire on the 225th day of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 3(c) of the Emergency Assistance Clarification Emergency Amendment Act of 1995 (D.C. Act 11-36, April 11, 1995, 42 DCR 1839), § 3(c) of the Emergency Assistance Clarification Congressional Recess Emergency Amendment Act of 1995 (D.C. Act 11-105, July 21, 1995, 42 DCR 4019),

§ 3(c) of the Emergency Assistance Clarification Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-425, October 28, 1996, 43 DCR 6141), § 3(c) of the Emergency Assistance Clarification Second Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-485, January 2, 1997, 44 DCR 630), and see § 3(c) of the Emergency Assistance Clarification Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-42, March 31, 1997, 44 DCR 2091).

Legislative history of Law 11-24. — See note to § 3-206.2.

Legislative history of Law 11-192. — See note to § 3-206.2.

§ 3-206.5. Emergency shelter allowances.

The Mayor, in providing emergency shelter allowances to families who are receiving TANF to enable them to obtain public housing, may claim federal financial participation to the extent allowable by law, provided the family has not received assistance from any emergency program for more than 30 consecutive days within the last 12 months. (Apr. 6, 1982, D.C. Law 4-101, § 605, 29 DCR 1060; July 14, 1995, D.C. Law 11-24, § 3(d), 42 DCR 2561; Apr. 9, 1997, D.C. Law 11-192, § 3(d), 43 DCR 4285; Apr. 20, 1999, D.C. Law 12-241, § 2(xx), 46 DCR 905.)

Effect of amendments. — D.C. Law 11-192 substituted “may claim” for “shall claim.”

D.C. Law 12-241 substituted “TANF” for “Aid to Families with Dependent Children.”

Temporary amendment of section. — D.C. Law 11-24 substituted “may claim” for “shall claim.”

Section 5(b) of D.C. Law 11-24 provided that the act shall expire on the 225th day of its having taken effect.

Section 2(o) of D.C. Law 12-7 substituted “TANF” for “Aid to Families with Dependent Children.”

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(o) of D.C. Law 12-130 substituted “TANF” for “Aid to Families with Dependent Children.”

Section 7(b) of D.C. Law 12-130 provides that this act shall expire after 225 days of its having taken effect.

Section 2(xx) of D.C. Law 12-230 substituted “TANF” for “Aid to Families with Dependent Children.”

Section 18(b) of D.C. Law 12-230 provides

that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130, July 24, 1998, 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 3(d) of the Emergency Assistance Clarification Emergency Amendment Act of 1995 (D.C. Act 11-36, April 11, 1995, 42 DCR 1839), § 3(d) of the Emergency Assistance Clarification Congressional Recess Emergency Amendment Act of 1995 (D.C. Act 11-105, July 21, 1995, 42 DCR 4019), § 3(d) of the Emergency Assistance Clarification Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-425, October 28, 1996, 43 DCR 6141), § 3(d) of the Emergency Assistance Clarification Second Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-485, January 2, 1997, 44 DCR

630), and § 3(d) of the Emergency Assistance Clarification Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-42, March 31, 1997, 44 DCR 2091).

For temporary amendment of section, see § 2(o) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(o) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(o) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(xx) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(xx) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(xx) of

the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(xx) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 11-24. — See note to § 3-206.2.

Legislative history of Law 11-192. — See note to § 3-206.2.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-206.9. No creation of entitlement.

No property interest created. — The District's laws and regulations governing the city's emergency family shelter program do not create a constitutionally protected property interest in shelter, which in turn would require that the District's allocation and appeal procedures satisfy due process standards. *Washington Le-*

gal Clinic for Homeless v. Barry, 107 F.3d 32 (D.C. Cir. 1997).

Cited in *Powell ex rel. Ricks v. District of Columbia*, App. D.C., 634 A.2d 403 (1993); *Lampkin v. District of Columbia*, 886 F. Supp. 56 (D.D.C. 1995).

Subchapter VII. Complementary Program Relationships with Public Assistance Programs.

§ 3-207.1. Policy.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 701, 29 DCR 1060; July 27, 1995, D.C. Law 11-52, § 502(g), 42 DCR 3684.)

Temporary repeal of subchapter. — Section 502(f) of D.C. Law 10-253 repealed §§ 3-207.1 to 3-207.4, comprising this subchapter.

Section 1301(b) of D.C. Law 10-253 provided that the act shall expire on the 225th day of its having taken effect or upon the effective date of the Multiyear Budget Spending Reduction and Support Act of 1995, whichever occurs first.

Emergency act amendments. — For temporary repeal of subchapter, see § 502(f) of the Multiyear Budget Spending Reduction and

Support Emergency Act of 1994 (D.C. Act 10-389, December 29, 1994, 42 DCR 197).

For temporary repeal of subchapter, see § 502(g) of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

Legislative history of Law 10-253. — See note to § 3-204.6.

Legislative history of Law 11-52. — See note to § 3-204.6.

§ 3-207.2. Authority to establish.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 702, 29 DCR 1060; July 27, 1995, D.C. Law 11-52, § 502(g), 42 DCR 3684.)

Temporary repeal of subchapter. — See notes to § 3-207.1.

Emergency act amendments. — See notes to § 3-207.1.

Legislative history of Law 10-253. — See note to § 3-204.6.

Legislative history of Law 11-52. — See note to § 3-204.6.

§ 3-207.3. Rules.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 703, 29 DCR 1060; Mar. 14, 1985, D.C. Law 5-150, § 3, 31 DCR 6425; July 27, 1995, D.C. Law 11-52, § 502(g), 42 DCR 3684.)

Temporary repeal of subchapter. — See notes to § 3-207.1.

Emergency act amendments. — See notes to § 3-207.1.

Legislative history of Law 10-253. — See note to § 3-204.6.

Legislative history of Law 11-52. — See note to § 3-204.6.

§ 3-207.4. Appropriations.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 704, 29 DCR 1060; July 27, 1995, D.C. Law 11-52, § 502(g), 42 DCR 3684.)

Temporary repeal of subchapter. — See notes to § 3-207.1.

Emergency act amendments. — See notes to § 3-207.1.

Legislative history of Law 10-253. — See note to § 3-204.6.

Legislative history of Law 11-52. — See note to § 3-204.6.

Subchapter VIII. Award; Method of Payment.

§ 3-208.1. Determination by Mayor; method of payment.

(a) Upon completion of the investigation pursuant to subchapter IX of this chapter, the Mayor shall determine whether the applicant is eligible for public assistance, the type and amount of public assistance for which he or she is eligible, and the date from which public assistance shall begin. The Mayor shall furnish public assistance with reasonable promptness to each person to whom the Mayor, in his or her discretion, provides public assistance. For the TANF, POWER, and GAC programs, an application for assistance shall be effective on the date that the application is filed. The amount payable for the initial month shall be prorated by multiplying the amount payable if payment were made for the entire month by the ratio of the days in the month including and following the date of application to the total number of days in a month.

(b) Money payments of public assistance shall be made by check or electronic benefit transfer, except that in emergency cases money payments of public assistance may be made in cash, and to accomplish such purpose the Mayor may make necessary provisions for advancing from time to time to one

or more officers or employees of the District such sum or sums as the Mayor may determine; provided, that no such advance shall be made to any such officer or employee who has not been previously bonded in such amount and form as the Mayor shall determine. (Apr. 6, 1982, D.C. Law 4-101, § 801, 29 DCR 1060; Mar. 14, 1984, D.C. Law 5-53, § 2(c), 30 DCR 6278; Sept. 10, 1985, D.C. Law 6-35, § 2(n), 32 DCR 3778; Aug. 17, 1991, D.C. Law 9-19, title I, § 101(i), 38 DCR 4066; Aug. 17, 1991, D.C. Law 9-27, § 2(i), 38 DCR 4205; Mar. 20, 1998, D.C. Law 12-60, § 701(r), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(yy), (zz), 46 DCR 905; Apr. 20, 1999, D.C. Law 12-264, § 15(b), 46 DCR 2118.)

Effect of amendments.

D.C. Law 12-60, in the second sentence of (a), twice deleted "GPA or" preceding "GAC."

D.C. Law 12-241 rewrote (a); and inserted "or electronic benefit transfer" in (b).

D.C. Law 12-264 validated a previously made technical correction in (a).

Temporary amendment of section.

Section 2(x) of D.C. Law 12-7 amended (a) to read as follows:

"(a) Upon completion of the investigation pursuant to subchapter IX of this chapter, the Mayor shall determine whether the applicant is eligible for public assistance, the type and amount of public assistance for which he or she is eligible, and the date from which this public assistance shall begin, and shall furnish public assistance with reasonable promptness to all eligible persons. For the GPA or GAC program, that date shall not be prior to the first day of the calendar month in which the determination is made except that as a result of reconsideration or review of a case, and in order to correct previous erroneous administrative action, such as undue delay or improper denial of assistance, an initial payment of GPA or GAC may be made for a period beginning prior to the first day of the calendar month in which the eligibility determination is made. For the TANF program, an application for assistance shall be effective on the date that the application is filed. The amount payable for the initial month shall be prorated by multiplying the amount payable if payment were made for the entire month by the ratio of the days in the month including and following the date of application to the total number of days in a month. For the purpose of this computation, all months shall be considered to have 30 days."

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(r) of D.C. Law 12-21 deleted "GPA or" and "of GPA or" preceding "GAC" in the second sentence of (a).

Section 8(b) of D.C. Law 12-21 provides that the act shall expire after 225 days of its having taken effect.

Section 701(r) of D.C. Law 12-59, in the second sentence of (a), twice deleted "GPA or" preceding "GAC."

Section 2001(b) of D.C. Law 12-59 provides that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Section 2(x) of D.C. Law 12-130 amended (a) to read as follows:

"(a) Upon completion of the investigation pursuant to subchapter IX of this chapter, the Mayor shall determine whether the applicant is eligible for public assistance, the type and amount of public assistance for which he or she is eligible, and the date from which this public assistance shall begin, and shall furnish public assistance with reasonable promptness to all eligible persons. For the GAC program, that date shall not be prior to the first day of the calendar month in which the determination is made except that as a result of reconsideration or review of a case, and in order to correct previous erroneous administrative action, such as undue delay or improper denial of assistance, an initial payment of GAC may be made for a period beginning prior to the first day of the calendar month in which the eligibility determination is made. For the TANF program, an application for assistance shall be effective on the date that the application is filed. The amount payable for the initial month shall be prorated by multiplying the amount payable if payment were made for the entire month by the ratio of the days in the month including and following the date of application to the total number of days in a month. For the purpose of this computation, all months shall be considered to have 30 days."

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(yy) and (zz) of D.C. Law 12-230 rewrote (a); and inserted "or electronic benefit transfer" in (b).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides

that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(r) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(r) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(r) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Section 2002 of D.C. Act 12-152 provides for the application of the act.

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(yy) and (zz) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270),

§ 2(yy) and (zz) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(yy) and (zz) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(yy) and (zz) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-21. — See note to § 3-201.1.

Legislative history of Law 12-59. — See note to § 3-201.1.

Legislative history of Law 12-60. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Legislative history of Law 12-264. — See note to § 3-202.5.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 3-208.3. Underpayment corrections.

(a) When a recipient of public assistance receives a payment or series of payments in an amount less than that for which the recipient is eligible, or does not receive payments for which the recipient is eligible, the underpayment shall be corrected retroactively for not more than 12 months prior to whichever of the following occurs first:

(1) The date the Mayor received a request for restoration of assistance from the recipient;

(2) The date the recipient requested a fair hearing concerning the loss of assistance; or

(3) The date the Mayor is notified or otherwise discovered that a loss of benefits to an assistance unit has occurred.

(b) Nothing in this section shall be construed to confer an entitlement to public assistance to any individual. The decision to grant public assistance to an eligible individual lies in the sole discretion of the Mayor. (Apr. 6, 1982, D.C. Law 4-101, § 803, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(aaa), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 rewrote the section.

Temporary amendment of section. — Section 2(aaa) of D.C. Law 12-230 rewrote the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(aaa) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(aaa) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(aaa)

of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(aaa) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-208.4. Amount of assistance payable.

The amount of assistance that the Mayor may pay to a TANF, POWER, or GAC recipient shall be the amount for which the individual or family is eligible, rounded down, when not a whole dollar amount, to the next lower whole dollar amount, except as provided in § 3-205.51. (Apr. 6, 1982, D.C. Law 4-101, § 804, 29 DCR 1060; Mar. 14, 1984, D.C. Law 5-53, § 2(b), 30 DCR 6278; Apr. 20, 1999, D.C. Law 12-241, § 2(bbb), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 rewrote the section.

Temporary amendment of section. — Section 2(p) and (x) of D.C. Law 12-7 amended this section to read as follows:

"The amount of assistance payable to public assistance recipients other than TANF recipients shall be the exact amount in dollars and cents to which the individual or family is entitled. The amount of assistance that may be paid to a TANF recipient shall be the amount for which the individual or family is eligible rounded down, when not a whole dollar amount, to the next lower whole dollar amount."

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(p) and (x) of D.C. Law 12-130 amended this section to read as follows:

"The amount of assistance payable to public assistance recipients other than TANF recipients shall be the exact amount in dollars and cents to which the individual or family is entitled. The amount of assistance that may be paid to a TANF recipient shall be the amount for which the individual or family is eligible rounded down, when not a whole dollar amount."

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(bbb) of D.C. Law 12-230 rewrote the section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(p) and (x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(p) and (x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see §§ 2(p) and (x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(bbb) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(bbb) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(bbb) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(bbb) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-208.5. Repayment by GPA recipient.

(a) For any month in which a person who received benefits under the former General Public Assistance ("GPA") program received both GPA and Supplemental Security Income ("SSI"), the former GPA recipient shall repay to the District of Columbia:

* * * * *

(b) In order to make repayment in accordance with subsection (a) of this section, a former GPA recipient who applied for SSI must have agreed to have the initial SSI benefit forwarded directly to the Department of Human Services.

(c) Upon receipt of a former GPA recipient's initial SSI benefit, the Department shall calculate, in accordance with subsection (a) of this section, the amount of the benefit due to the Department as repayment and the amount, if any, due the former GPA recipient. The Department shall provide the former GPA recipient with a written explanation of this calculation and shall pay any amount due the former GPA recipient, in accordance with 42 U.S.C. § 1383 (g) and SSA Interim Assistance Provisions, 20 C.F.R. § 416.1901 to 416.1922 (1983).

(d) Repealed. (Apr. 6, 1982, D.C. Law 4-101, § 805, as added Mar. 14, 1984, D.C. Law 5-53, § 2(d), 30 DCR 6278; Mar. 20, 1998, D.C. Law 12-60, § 701(s), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(ccc), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-60 repealed (d).

D.C. Law 12-241 rewrote the introductory paragraph of (a); substituted "a former GPA recipient who applied for SSI must have agreed" for "a GPA recipient who applies or has applied for SSI must agree" in (b); and in (c), inserted "former" preceding each occurrence of "GPA."

Temporary amendment of section. — Section 2(s) of D.C. Law 12-21 repealed (d).

Section 8(b) of D.C. Law 12-21 provides that the act shall expire after 225 days of its having taken effect.

Section 701(s) of D.C. Law 12-59 repealed (d).

Section 2001(b) of D.C. Law 12-59 provided that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Section 2(ccc) of D.C. Law 12-230 rewrote the introductory paragraph of (a); substituted "a former GPA recipient who applied for SSI must have agreed" for "a GPA recipient who applies or has applied for SSI must agree" in (b); and in (c), inserted "former" preceding each occurrence of "GPA."

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(s) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(s) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(s) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Section 2002 of D.C. Act 12-152 provides for the application of the act.

For temporary amendment of section, see § 2(ccc) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ccc) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ccc) of the Self-Sufficiency Promotion Con-

gressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ccc) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-21. — See note to § 3-201.1.

Legislative history of Law 12-59. — See note to § 3-201.1.

Legislative history of Law 12-60. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

Subchapter IX. Investigation of Applicants; Issuance of Identification Card; Check Distribution.

§ 3-209.1. Investigation of applicants; issuance of identification cards; distribution of checks.

* * * * *

(b) After determining that a person is eligible to receive public assistance, the Mayor may issue to such person a public assistance identification card which may be used by such person in obtaining any public assistance, and as a means of identifying him or her as the proper recipient of such public assistance. The public assistance identification card shall contain the name, social security number, and account or case number of the recipient to whom such card was issued.

* * * * *

(Apr. 20, 1999, D.C. Law 12-241, § 2(ddd), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 substituted “may” for each occurrence of “shall” in the first sentence of (b).

Temporary amendment of section. — Section 2(ddd) of D.C. Law 12-230 substituted “may” for each occurrence of “shall” in the first sentence of (b).

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(ddd) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ddd) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act

12-425, July 31, 1998, 45 DCR 5682), § 2(ddd) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ddd) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.-

§ 3-209.2. Adverse action not permitted for refusal to allow entry into home or permit inspection thereof.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 902, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(eee), 46 DCR 905.)

Temporary repeal of section. — Section 2(eee) of D.C. Law 12-230 repealed this section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 2(eee) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(eee) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(eee) of the Self-Sufficiency Promotion Congressional Re-

view Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(eee) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-209.3. Notification of adverse action not permitted.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 903, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(fff), 46 DCR 905.)

Temporary repeal of section. — Section 2(fff) of D.C. Law 12-230 repealed this section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 2(fff) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 8, 1998, 45 DCR 4270), § 2(fff) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(fff) of the Self-Sufficiency Promotion Congressional Re-

view Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521) and § 2(fff) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the retroactive application of the act.

Section 18 of D.C. Act 13-19 provides for the retroactive application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-209.4. Confidentiality of information.

(a) The use or disclosure of information concerning applicants and recipients of TANF, POWER, and GAC shall be limited to purposes directly connected to the following:

(1) The administration of TANF, POWER, General Assistance for Children, Emergency Family Shelter, Old Age Assistance, Aid to the Permanently and Totally Disabled, and programs under Titles I, IV-B, IV-D, IV-E, X, XIV, XVI (AABD and SSI), XIX, or XX of the Social Security Act, approved August 14, 1935 (49 Stat. 757; 42 U.S.C. § 301 et seq.), for purposes of establishing eligibility, determining the amount of assistance, and providing services for applicants and recipients;

(2) Any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any public assistance program under this chapter;

(3) The administration of any federal or federally-assisted program which provides assistance, in cash or in-kind, or services directly to individuals on the basis of need;

(4) The verification to a state employment services agency for the purposes of providing information about a public assistance recipient's eligibility for employer tax credits;

(5) Any audit or similar activity, such as review of expenditure reports or financial review, conducted in connection with the administration of any public assistance program by any governmental entity which is authorized by law to conduct such audit or activity;

(6) The administration of the unemployment compensation program for the District of Columbia or any other state unemployment compensation program; or

(7) The reporting to the Metropolitan Police Department of information on known or suspected instances of physical or mental injury, sexual abuse, or exploitation, or to the Commission on Social Services of information on known or suspected instances of negligent treatment or maltreatment of a child receiving aid under circumstances which indicate the child's health or welfare is threatened.

(b) The Mayor may disclose the current address of an applicant or recipient to the Metropolitan Police Department or any other law enforcement officer at his or her request. The information shall be disclosed only to a law enforcement officer who provides the name and Social Security number of the applicant or recipient and satisfactorily demonstrates that:

(1) The applicant or recipient is a person who is seeking to escape prosecution on the grounds that he or she is believed to have committed a felony;

(2) The location or apprehension of the felon is within the law enforcement officer's official duties; and

(3) The request is made in the proper exercise of the officer's duties.

(c) Disclosure of any information that identifies by name or address any applicant or recipient to any federal, state, or local committee or legislative body other than in connection with any activity under subsection (a)(5) of this section is prohibited.

(d) If a subpoena is issued for the case record or for any Mayor's representative to testify concerning an applicant or recipient, disclosure of information and testimony is prohibited unless:

(1) The applicant or recipient authorizes release; or

(2) The information or testimony is requested for purposes directly related to the purposes listed in subsection (a) of this section.

(e) The Mayor shall establish policies and procedures to implement and enforce the requirements for safeguarding information regarding applicants and recipients and to define the criteria that govern the types of information that are safeguarded and the conditions under which the information may be released or used. (Apr. 6, 1982, D.C. Law 4-101, § 904, as added Apr. 20, 1999, D.C. Law 12-241, § 2(ggg), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 added this section.

Temporary addition of section. — Section 2(q) of D.C. Law 12-7 added this section.

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(q) of D.C. Law 12-130 added this section.

Section 7(b) of D.C. Law 12-130 provided that the act shall expire after 225 days of its having taken effect.

Section 2(ggg) of D.C. Law 12-230 added this section.

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary addition of section, see § 2(ggg) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ggg) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ggg) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ggg) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Subchapter X. Hearing Procedures.

§ 3-210.2. Grounds; objectives of hearing process.

(a) The Mayor, upon receipt of an application made pursuant to § 3-210.5, shall grant a fair hearing to any applicant for or a recipient of public assistance whose claim for assistance has been denied or has not been acted upon within a reasonable time not to exceed 45 days; or who is aggrieved by any other action or inaction of the Mayor which affects the receipt, termination, amount, kind, or conditions of his assistance.

* * * * *

(c) A hearing need not be granted when either District or federal law requires automatic grant adjustments for classes of recipients of TANF, POWER, or GAC unless the reason for an individual appeal is incorrect computation of the grant. (Apr. 6, 1982, D.C. Law 4-101, § 1002, 29 DCR 1060; Aug. 17, 1991, D.C. Law 9-19, title I, § 101(j), 38 DCR 4066; Aug. 17, 1991, D.C. Law 9-27, § 2(j), 38 DCR 4205; Mar. 20, 1998, D.C. Law 12-60, § 701(t), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(hhh), 46 DCR 905.)

Effect of amendments.

D.C. Law 12-60, in (c), deleted "GPA" following "AFDC."

D.C. Law 12-241 substituted "45" for "30" in (a), and substituted "TANF, POWER" for "AFDC" in (c).

Temporary amendments of section. — Section 2(r) of D.C. Law 12-7 amended (c) to read as follows:

"(c) A hearing need not be granted when either District or federal law requires automatic grant adjustments for classes of recipi-

ents of Aid to Families with Dependent Children, TANF, GPA, or GAC unless the reason for an individual appeal is incorrect computation of the grant."

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(t) of D.C. Law 12-21 deleted "GPA" following "AFDC" in (c).

Section 8(b) of D.C. Law 12-21 provides that the act shall expire after 225 days of its having taken effect.

Section 701(t) of D.C. Law 12-59 in (c), deleted “, GPA,” following “AFDC.”

Section 2001(b) of D.C. Law 12-59 provided that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Section 2(r) of D.C. Law 12-130 substituted “45” for “30” in (a), and substituted “TANF, POWER” for “AFDC” in (c).

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(hhh) of D.C. Law 12-230 substituted “45” for “30” in (a), and substituted “TANF, POWER” for “AFDC” in (c).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. —

Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 2(r) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(r) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(t) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(t) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(t) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act

of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Section 2002 of D.C. Act 12-152 provides for the application of the act.

For temporary amendment of section, see § 2(r) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(hhh) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(hhh) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(hhh) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(hhh) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-21. — See note to § 3-201.1.

Legislative history of Law 12-59. — See note to § 3-201.1.

Legislative history of Law 12-60. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 3-210.4. Notification of right to request hearing and method of making request.

(a) Written information regarding the right to request a hearing and the method of making such request shall be furnished by the Mayor to each public assistance applicant or recipient at the time of application and whenever the Mayor notifies the applicant or recipient that it intends to take action which may or will adversely affect him or her or his or her benefits, including changes in or terminations of assistance payments. Such written notice shall include information that the claimant has the right to be represented by legal counsel or by a lay person who is not an employee of the District; that he may bring witnesses in his or her behalf; that reasonable expenses related to the hearing, such as transportation costs for the claimant and his or her witnesses, will be paid by the Mayor, and that legal services are available to the claimants.

* * * * *

(Apr. 20, 1999, D.C. Law 12-241, § 2(iii), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 in (a), deleted “and oral” following “written” in the first two sentences and, in the second sentence, deleted “as described in S.E. 9.1 of the District of Columbia Handbook of Public Assistance Policies and Procedures” following “legal services.”

Temporary amendment of section. — Section 2(iii) of D.C. Law 12-230 deleted “and oral” following “written” in the first two sentences and, in the second sentence, deleted “as described in S.E. 9.1 of the District of Columbia Handbook of Public Assistance Policies and Procedures” following “legal services.”

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(iii) of the Self-Sufficiency Promotion Emergency Amend-

ment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(iii) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(iii) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(iii) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-210.10. Hearing procedure enumerated.

The hearing officer shall conduct the hearing in such a manner as to insure that both the claimant and the Mayor’s agent have the opportunity to present all facts which in their judgment have a bearing on the hearing, and have adequate opportunity to examine material that will be introduced as evidence. He or she shall cause the pertinent proceedings to be recorded. He or she shall allow the individual, or his or her counsel, to examine and cross-examine and to present oral argument and documentary evidence. He or she shall permit the Mayor to introduce such evidence from the case record or other data secured by special investigation as pertains to the case, providing that such data is also made available to the claimant or his or her representative. If data from a special investigation is used, the claimant or his or her representative shall have the opportunity to examine the Mayor’s agent’s investigator who performed such investigation and to inspect and use for the purpose of cross-examination any data, document, or record secured by the Mayor’s agents having any bearing on the matter involved or in the decision giving rise to the hearing. If data from the case record is used, the claimant, or his or her representative, shall be allowed to inspect the case record for the purpose of discovering information favorable to the claimant’s case. The Mayor’s agents shall not be represented by an attorney at any hearing or administrative review in which the claimant is not represented by an attorney. (Apr. 6, 1982, D.C. Law 4-101, § 1010, 29 DCR 1060; Feb. 27, 1998, D.C. Law 12-55, § 2(a), 44 DCR 6068.)

Effect of amendments. — D.C. Law 12-55 substituted “recorded” for “taken down and transcribed” in the second sentence.

Temporary amendment of section. — Section 2(a) of D.C. Law 11-205 substituted “recorded” for “taken down and transcribed” in the second sentence.

Section 3(b) of D.C. Law 11-205 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(a) of the Public Assistance Fair Hearing Procedures Emergency Amendment Act of 1996 (D.C. Act

11-313, August 2, 1996, 43 DCR 4363), § 2(a) of the Public Assistance Fair Hearing Procedures Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-424, October 28, 1996, 43 DCR 6139), § 2(a) of the Public Assistance Fair Hearing Procedures Second Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-481, December 30, 1996, 44 DCR 215), § 2(a) of the Public Assistance Fair Hearing Procedures Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-24, March 3, 1997, 44 DCR 1776), and § 2(a) of the Public Assistance Fair Hearing Procedures Second Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-193, November 28, 1997, 44 DCR 7480).

Legislative history of Law 11-205. — Law 11-205, the “Public Assistance Fair Hearing Procedures Temporary Amendment Act of 1996,” was introduced in Council and assigned

Bill No. 11-808. The Bill was adopted on first and second readings on July 3, 1996, and July 17, 1996, respectively. Signed by the Mayor on August 5, 1996, it was assigned Act No. 11-374 and transmitted to both Houses of Congress for its review. D.C. Law 11-205 became effective on April 9, 1997.

Legislative history of Law 12-55. — Law 12-55, the “Public Assistance Fair Hearing Procedures Amendment Act of 1997,” was introduced in Council and assigned Bill No. 12-257, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on July 1, 1997, and September 22, 1997, respectively. Signed by the Mayor on October 3, 1997, it was assigned Act No. 12-172 and transmitted to both Houses of Congress for its review. D.C. Law 12-55 became effective on February 27, 1998.

§ 3-210.11. Findings, conclusions, and recommendations by hearing officer.

(a) The hearing officer shall prepare a written summary of findings and conclusions based exclusively on the evidence presented at the hearing and shall make appropriate recommendations based upon his or her findings and conclusions. The summary of findings and conclusions shall state the policies, regulations, or laws upon which the hearing officer’s recommendations are based. Recorded testimony and exhibits, together with all papers and requests filed in the proceeding, and the hearing officer’s findings, conclusions, and recommendations will constitute the exclusive record for decision by the hearing authority, and will be available to the claimant at a place accessible to him or his representative at any reasonable time for a period not to exceed 2 years or until all litigation involving the decision is terminated. Nonrecorded or confidential information which the claimant does not have the opportunity to hear or see shall not be made a part of the hearing record nor used in a decision on the appeal. Hearings shall be transcribed if requested by the claimant, if ordered by the hearing officer, or for purposes of judicial review. All costs of transcription shall be borne by the Mayor.

* * * * *

(Feb. 27, 1998, D.C. Law 12-55, § 2(b), 44 DCR 6068.)

Effect of amendments. — D.C. Law 12-55, in (a), substituted “Recorded” for “A verbatim transcript of” in the third sentence, and added the last two sentences.

Temporary amendment of section. — Section 2(b) of D.C. Law 11-205 amended subsection (a) to read as follows:

“(a) The hearing officer shall prepare a written summary of findings and conclusions based exclusively on the evidence presented at the hearing and shall make appropriate recommendations based upon his or her findings and conclusions. The summary of findings and con-

clusions shall state the policies, regulations, or laws upon which the hearing officer’s recommendations are based. A recorded testimony and exhibits, together with all papers and requests filed in the proceeding, and the hearing officer’s findings, conclusions, and recommendations will constitute the exclusive record for decision by the hearing authority, and will be available to the claimant at a place accessible to him or his representative at any reasonable time for a period not to exceed 2 years or until all litigation involving the decision is terminated. Nonrecorded or confidential information

which the claimant does not have the opportunity to hear or see shall not be made a part of the hearing record nor used in a decision on the appeal. Hearings shall be transcribed if requested by the claimant, if ordered by the hearing officer, or for purposes of judicial review. The cost of transcription shall be borne by the Mayor."

Section 3(b) of D.C. Law 11-205 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(b) of the Public Assistance Fair Hearing Procedures Emergency Amendment Act of 1996 (D.C. Act 11-313, August 2, 1996, 43 DCR 4363), § 2(b) of the Public Assistance Fair Hearing Procedures Congressional Review Emergency Amendment

Act of 1996 (D.C. Act 11-424, October 28, 1996, 43 DCR 6139), § 2(b) of the Public Assistance Fair Hearing Procedures Second Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-481, December 30, 1996, 44 DCR 215), § 2(b) of the Public Assistance Fair Hearing Procedures Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-24, March 3, 1997, 44 DCR 1776), and § 2(b) of the Public Assistance Fair Hearing Procedures Second Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-193, November 28, 1997, 44 DCR 7480).

Legislative history of Law 11-205. — See note to § 3-210.10.

Legislative history of Law 12-55. — See note to § 3-210.10.

§ 3-210.16. Class action permitted; correction or change in policy, construction, or interpretation.

* * * * *

(c) Whenever the Mayor changes a policy, construction or interpretation, he or she shall immediately make a reasonable effort to find and notify all recipients affected thereby, and shall make appropriate adjustments in the welfare benefits or decisions of the Mayor which were based upon the erroneous policy or practice. (Apr. 6, 1982, D.C. Law 4-101, § 1016, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(jjj), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 deleted "applicants and" preceding "recipients" in (c).

Temporary amendment of section. — Section 2(jjj) of D.C. Law 12-230 deleted "applicants and" preceding "recipients" in (c).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(jjj) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(jjj) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425,

July 31, 1998, 45 DCR 5682), § 2(jjj) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(jjj) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-210.18. Notice provisions § 3-205.54 applicable.

When the reduction or termination is the result of information contained in a periodic report the recipient has filed, or of the recipient's failure to file a report, or file a complete report, under § 3-205.54, then the Mayor is required to follow the notice provisions of that section. (Apr. 6, 1982, D.C. Law 4-101, § 1018, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(kkk), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 substituted “periodic” for “monthly.”

Temporary amendment of section. — Section 2(kkk) of D.C. Law 12-230 substituted “periodic” for “monthly.”

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(kkk) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(kkk) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(kkk)

of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(kkk) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-210.19. Assistance received during pendency of decision.

(a) Repealed.

(b) Assistance under the TANF, POWER, or GAC programs received pending a hearing decision shall be considered as an overpayment if the proposed action to change or terminate benefits is sustained. (Apr. 6, 1982, D.C. Law 4-101, § 1019, 29 DCR 1060; Mar. 20, 1998, D.C. Law 12-60, § 701(u), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(III), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-60 repealed (a).

D.C. Law 12-241 substituted “TANF, POWER, or GAC programs” for “AFDC program.”

Temporary amendments of section. — Section 2(x) of D.C. Law 12-7 amended (b) to read as follows:

“(b) Assistance under the TANF program received pending a hearing decision shall be considered as an overpayment if the proposed action to change or terminate benefits is sustained.”

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(u) of D.C. Law 12-21 repealed (a).

Section 8(b) of D.C. Law 12-21 provides that the act shall expire after 225 days of its having taken effect.

Section 701(u) of D.C. Law 12-59 repealed (a).

Section 2001(b) of D.C. Law 12-59 provided that the act shall expire after 225 days of its having taken effect.

Section 2(u) of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Section 2(x) of D.C. Law 12-130 amended (b) to read as follows:

“(b) Assistance under the TANF program received pending a hearing decision shall be considered as an overpayment if the proposed action to change or terminate benefits is sustained.”

Section 7(b) of D.C. Law 12-130 provides that

the act shall expire after 225 days of its having taken effect.

Section 2(III) of D.C. Law 12-230 substituted “TANF, POWER, or GAC programs” for “AFDC program.”

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(u) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(u) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(u) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emer-

agency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Section 2002 of D.C. Act 12-152 provides for the application of the act.

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(III) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(III) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(III) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(III) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-21. — See note to § 3-201.1.

Legislative history of Law 12-59. — See note to § 3-201.1.

Legislative history of Law 12-60. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

Subchapter XI. Miscellaneous Provisions Relating to Specific Payments.

§ 3-211.1. Home repairs — Run-down premises.

The Mayor may authorize an expenditure for repairs to a home which a recipient of TANF, POWER, or GAC owns or is buying, when there has been no assignment or transfer to the District of such property, if:

* * * * *

(Mar. 20, 1998, D.C. Law 12-60, § 701(v), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(mmm), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-60, in the introductory language, deleted “GPA” following “AFDC.”

D.C. Law 12-241 substituted “TANF, POWER, or GAC” for “AFDC and AB” in the introductory language.

Temporary amendments of section. — Section 2(x) of D.C. Law 12-7 amended the introductory language of this section to read as follows:

“The Mayor may authorize an expenditure for repairs to a home which a recipient of TANF, GPA, and AB owns or is buying, when there has been no assignment or transfer to the District of such property, if”

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(v) of D.C. Law 12-21 deleted “, GPA,” following “AFDC” in the introductory language.

Section 8(b) of D.C. Law 12-21 provides that

the act shall expire after 225 days of its having taken effect.

Section 701(v) of D.C. Law 12-59, in the introductory language, deleted “GPA” following “AFDC.”

Section 2001(b) of D.C. Law 12-59 provided that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Section 2(x) of D.C. Law 12-130 amended the introductory language of this section to read as follows:

“The Mayor may authorize an expenditure for repairs to a home which a recipient of TANF, GPA, and AB owns or is buying, when there has been no assignment or transfer to the District of such property, if”

“Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.”

Section 2(mmm) of D.C. Law 12-230 substi-

tuted "TANF, POWER, or GAC" for "AFDC and AB" in the introductory language.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(v) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(v) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(v) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Section 2002 of D.C. Act 12-152 provides for the application of the act.

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency

Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(mmm) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(mmm) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(mmm) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(mmm) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-21. — See note to § 3-201.1.

Legislative history of Law 12-59. — See note to § 3-201.1.

Legislative history of Law 12-60. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 3-211.2. Same — Protection of District interest.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 1102, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(nnn), 46 DCR 905.)

Temporary repeal of section. — Section 2(nnn) of D.C. Law 12-230 repealed this section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 2(nnn) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(nnn) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(nnn) of the Self-Sufficiency Promotion Congressional

Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(nnn) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-211.3. Same — Federal financial participation.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 1103, 29 DCR 1060; Mar. 20, 1998, D.C. Law 12-60, § 701(w), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(ooo), 46 DCR 905.)

Temporary amendment of section. — Section 2(x) of D.C. Law 12-130 had amended this section to read as follows:

“When the cost of repairs to the home of a recipient of OAA, AB, APTD, and TANF exceeds \$500, federal financial participation of 50% shall be claimed only on that portion of the expenditure which does not exceed \$500.”

Section 7(b) of O.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of section. — Section 2(ooo) of D.C. Law 12-230 repealed this section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For tem-

porary repeal of section, see § 2(ooo) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ooo) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ooo) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ooo) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-211.6. Prompt payment of disregarded sum.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 1202, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(ppp), 46 DCR 905.)

Temporary repeal of section. — Section 2(s) of D.C. Law 12-130 repealed this section.

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(ppp) of D.C. Law 12-230 repealed this section.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 2(ppp) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9,

1998, 45 DCR 4270), § 2(ppp) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ppp) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ppp) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

*Subchapter XII. Payments to Incapacitated Individuals.***§ 3-212.2. Protective or vendor payments on behalf of dependent children.**

(a) The Mayor may authorize protective or vendor payments on behalf of dependent children under the following conditions:

* * * * *

(3) A determination has been made as to what requirements, if any, will be met by vendor payments to persons providing goods and services with, to the extent possible, the participation and consent of the caretaker in the assistance unit.

* * * * *

(c) The cases of children for whom protective or vendor payments are being made shall be reviewed at least every 6 months to determine whether there is a need to continue such payments, or, if the relative is considered able to manage funds in the best interest of the children, whether assistance can be resumed as a direct money payment.

(d) Provision will be made for termination of protective payments, or payments to a person furnishing goods or services, as follows:

(1) When caretakers are considered able to manage funds in the best interest of the child, there will be a return to money payment status.

(2) When it appears that need for protective payments or payments to a person furnishing goods or services will continue or is likely to continue beyond 1 year because all efforts have not resulted in sufficiently improved use of assistance in behalf of the child, judicial appointment of a guardian, or other legal representative may be sought and such payments will terminate when the appointment has been made.

* * * * *

(f) Repealed. (Apr. 6, 1982, D.C. Law 4-101, § 1202, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(qqq), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 substituted “caretaker in the assistance unit” for “AFDC relative” in (a)(3); deleted “AFDC” preceding “children” in (c); in (d)(1), substituted “caretaker” for “relatives”; in (d)(2), substituted “may be sought” for “will be sought”; and repealed (f).

Temporary amendment of section. — Section 2(x) of D.C. Law 12-7 amended (a)(3), (c) and (f) to read as follows:

“(a) The Mayor may authorize protective or vendor payments on behalf of dependent children under the following conditions:

“(3) A determination has been made as to what requirements, if any, will be met by ven-

dor payments to persons providing goods and services with, to the extent possible, the participation and consent of the TANF relative.

“(c) The cases of TANF children for whom protective or vendor payments are being made shall be reviewed at least every 6 months to determine whether there is a need to continue such payments, or, if the relative is considered able to manage funds in the best interest of the children, whether assistance can be resumed as a direct money payment.

“(f) Federal financial participation for individuals receiving protective or vendor pay-

ments in any month is limited to 10% of all TANF recipients, exclusive of persons for whom protective or vendor payments are made by reason of failure to participate in the Work Incentive Program."

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(x) of D.C. Law 12-130 amended (a)(3), (c) and (f) to read as follows:

"(a) The Mayor may authorize protective or vendor payments on behalf of dependent children under the following conditions:

"(3) A determination has been made as to what requirements, if any, will be met by vendor payments to persons providing goods and services with, to the extent possible, the participation and consent of the TANF relative.

"(c) The cases of TANF children for whom protective or vendor payments are being made shall be reviewed at least every 6 months to determine whether there is a need to continue such payments, or, if the relative is considered able to manage funds in the best interest of the children, whether assistance can be resumed as a direct money payment.

"(f) Federal financial participation for individuals receiving protective or vendor payments in any month is limited to 10% of all TANF recipients, exclusive of persons for whom protective or vendor payments are made by reason of failure to participate in the Work Incentive Program."

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(qqq) of D.C. Law 12-230 substituted "caretaker in the assistance unit" for "AFDC relative" in (a)(3); deleted "AFDC" preceding "children" in (c); in (d)(1), substituted "caretaker" for "relatives"; in (d)(2), substituted "may be sought" for "will be sought"; and repealed (f).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-230), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(qqq) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(qqq) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(qqq) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(qqq) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-212.3. Protective payments on behalf of adult recipients.

* * * * *

(g) Repealed. (Apr. 6, 1982, D.C. Law 4-101, § 1203, 29 DCR 1060; Mar. 20, 1998, D.C. Law 12-60, § 701(x), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(rrr), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-60, in (g), deleted the former second sentence.

D.C. Law 12-241 repealed (g).

Temporary amendments of section. — Section 2(x) of D.C. Law 12-21 deleted the second sentence in (g).

Section 8(b) of D.C. Law 12-21 provides that the act shall expire after 225 days of its having taken effect.

Section 701(x) of D.C. Law 12-59, in (g), deleted the former second sentence.

Section 2001(b) of D.C. Law 12-59 provided that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Section 2(rrr) of D.C. Law 12-230 repealed (g).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(x) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(x) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(x) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Section 2002 of D.C. Act 12-152 provides for the application of the act.

For temporary amendment of section, see

§ 2(rrr) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(rrr) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(rrr) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(rrr) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-21. — See note to § 3-201.1.

Legislative history of Law 12-59. — See note to § 3-201.1.

Legislative history of Law 12-60. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

Subchapter XIII. Actions for Support from Responsible Relatives.

§ 3-213.1. Action for support.

Cited in In re M.M.D., App. D.C., 662 A.2d 837 (1995).

§ 3-213.2. Income scale exemptions.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 1302, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(sss), 46 DCR 905.)

Temporary repeal of sections. — Section 2(sss) of D.C. Law 12-230 repealed §§ 2-213.2 through 2-213.4.

Section 18(b) of D.C. Law 12-230 provided that this act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of §§ 2-213.2 through 2-213.4, see § 2(sss) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(sss) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(sss) of the Self-Sufficiency Promotion Con-

gressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(sss) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-213.3. Basis for computation of contribution.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 1303, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(sss), 46 DCR 905.)

Temporary repeal of sections. — See notes to § 3-213.2.

Emergency act amendments. — See notes to § 3-213.2.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-213.4. Dependents defined.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 1304, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(sss), 46 DCR 905.)

Temporary repeal of sections. — See notes to § 3-213.2.

Emergency act amendments. — See notes to § 3-213.2.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Subchapter XIV. District Claims of Support from Estates; Funeral Expenses.

§ 3-214.2. Funeral expenses — Payment permitted.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 1402, 29 DCR 1060; May 10, 1989, D.C. Law 7-231, § 13, 36 DCR 492; Aug. 1, 1996, D.C. Law 11-152, § 101, 43 DCR 2978.)

Emergency act amendments. — For temporary repeal of section, see § 2(b) of the Emergency and Public Assistance Emergency Amendment Act of 1996 (D.C. Act 11-277, May 29, 1996, 43 DCR 2971).

For temporary repeal of section, see § 101(b) of the Fiscal Year 1996 Budget Support Con-

gressional Review Emergency Act of 1996 (D.C. Act 11-335, August 1, 1996, 43 DCR 4256).

Section 501 of D.C. Act 11-335 provides for the application of the act.

Legislative history of Law 11-152. — See note to § 205.52.

§ 3-214.3. Funeral expenses — Payment permitted.

The Mayor, pursuant to § 3-214.4, may provide for the payment of funeral and burial expenses of children in foster care and persons committed to the Youth Services Administration, Department of Human Services. (Apr. 6, 1982, D.C. Law 4-101, § 1403, 29 DCR 1060; Aug. 1, 1996, D.C. Law 11-152, § 101(c), 43 DCR 2978; Mar. 24, 1998, D.C. Law 12-81, § 7, 45 DCR 745.)

Effect of amendments. — D.C. Law 11-152 rewrote the section.

D.C. Law 12-81 validated a previously made technical correction.

Emergency act amendments. — For temporary amendment of section, see § 2(c) of the Emergency and Public Assistance Emergency

Amendment Act of 1996 (D.C. Act 11-277, May 29, 1996, 43 DCR 2971).

For temporary amendment of section, see § 101(c) of the Fiscal Year 1996 Budget Support Congressional Review Emergency Act of 1996 (D.C. Act 11-335, August 1, 1996, 43 DCR 4256).

Section 501 of D.C. Act 11-335 provides for the application of the act.

Legislative history of Law 11-152. — See note to § 3-205.52.

Legislative history of Law 12-81. — Law 12-81, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-408, which was referred to the Commit-

tee of the Whole. The Bill was adopted on first and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

§ 3-214.4. Funeral allowance.

The family of the deceased may choose a funeral director or establishment to provide a funeral service from a list of forms that have signed agreements with the Mayor to provide such services. The Mayor shall pay a maximum of \$450.00 for a complete funeral service including the burial plot. (Apr. 6, 1982, D.C. Law 4-101, § 1404, 29 DCR 1060; July 25, 1995, D.C. Law 11-29, § 2(e), 42 DCR 2950; Sept. 26, 1995, D.C. Law 11-52, § 502(i), 42 DCR 3684; Aug. 1, 1996, D.C. Law 11-152, § 101(d), 43 DCR 2978; Apr. 9, 1997, D.C. Law 11-255, § 8(b), 44 DCR 1271.)

Effect of amendments. — D.C. Law 11-52 rewrote (a); deleted the former second sentence in (b); and repealed former (c).

D.C. Law 11-152 rewrote the section.

D.C. Law 11-255 validated a previously made technical correction in former (a).

Neither of the 1997 amendments to this section referred to the other and effect has been given to Law 11-152.

Temporary amendment of section. — D.C. Law 11-29 rewrote (a); deleted the former second sentence of (b); and repealed former (c).

Emergency act amendments. — For temporary amendment of section, see § 2(e) of the Human Services Spending Reduction Emergency Amendment Act of 1995 (D.C. Act 11-35, April 11, 1995, 42 DCR 1834) and § 2(e) of the Human Services Spending Reduction Congressional Recess Emergency Amendment Act of 1995 (D.C. Act 11-104, July 21, 1995, 42 DCR 4014).

For temporary amendment of section, see

§ 502(i) of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

For temporary amendment of section, see § 2(d) of the Emergency and Public Assistance Emergency Amendment Act of 1996 (D.C. Act 11-277, May 29, 1996, 43 DCR 2971).

For temporary amendment of section, see § 101(d) of the Fiscal Year 1996 Budget Support Congressional Review Emergency Act of 1996 (D.C. Act 11-335, August 1, 1996, 43 DCR 4256).

Section 501 of D.C. Act 11-335 provides for the application of the act.

Legislative history of Law 11-29. — See note to § 3-205.43.

Legislative history of Law 11-52. — See note to § 3-204.6.

Legislative history of Law 11-152. — See note to § 3-205.52.

Legislative history of Law 11-255. — See note to § 3-205.11.

Subchapter XVI. Record Keeping Requirements.

§ 3-216.1. Mayor to prescribe regulations.

(a) Consistent with § 3-209.4, the Mayor is directed to prescribe regulations governing the custody, use, and preservation of the records, papers, files, and communications of the Mayor relating to public assistance. Except as otherwise provided, these regulations shall provide safeguards restricting the use or disclosure of information concerning applicants for or recipients of, public assistance to purposes directly connected with the administration of public assistance.

* * * * *

(Apr. 20, 1999, D.C. Law 12-241, § 2(ttt), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241, in the first sentence of (a), added “Consistent with § 3-209.4” and deleted “except as restricting the use or disclosure of information concerning applicants for, or recipients of, public assistance to purposes directly connected with the administration of public assistance” from the end.

Temporary amendment of section. — Section 2(ttt) of D.C. Law 12-230, in the first sentence of (a), added “Consistent with § 3-209.4,” and deleted “except as restricting the use or disclosure of information concerning applicants for, or recipients of, public assistance to purposes directly connected with the administration of public assistance” from the end.

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(ttt) of the

Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(ttt) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(ttt) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(ttt) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Subchapter XVII. Foster Care.

§ 3-217.1. Requirements for benefits.

The Mayor shall, effective July 1, 1969, provide Aid to Dependent Children in the form of foster care when removal of a child from the home of a parent or relative results from judicial determination that continuation in such home is contrary to the child's welfare, provided:

(1) The child was eligible for Aid to Families with Dependent Children under District and federal law in effect on July 16, 1996 in or for the month in which court proceedings leading to such a determination were initiated; or

(2) The child was living with a relative within 6 months prior to the month such proceedings were initiated and would have been eligible under such law had application been made in his behalf. (Apr. 6, 1982, D.C. Law 4-101, § 1701, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(uuu), 46 DCR 905.)

Section references. — This section is referred to in § 16-5001.

Effect of amendments. — D.C. Law 12-241 substituted “was eligible for Aid to Families with Dependent Children under District and federal law in effect on July 16, 1996” for “received AFDC” in (1); in (2), substituted “been eligible under such law” for “received such aid.”

Temporary amendment of section. — Section 2(t) of D.C. Law 12-7 substituted “was eligible for Aid to Families with Dependent Children under District and federal law in effect on June 1, 1995” for “received AFDC” in (1); and substituted “been eligible under such law” for “received such aid” in (2).

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(t) of D.C. Law 12-130 substituted “was eligible for Aid to Families with Dependent Children under District and federal law in

effect on July 16, 1996” for “received AFDC” in (1); in (2), substituted “been eligible under such law” for “received such aid.”

Section 7(b) of D.C. Law 12-130 provided that the act shall expire after 225 days of its having taken effect.

Section 2(uuu) of D.C. Law 12-230 substituted “was eligible for Aid to Families with Dependent Children under District and federal law in effect on July 16, 1996” for “received AFDC” in (1); in (2), substituted “been eligible under such law” for “received such aid.”

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides

that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(t) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(t) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(t) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(uuu) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(uuu) of the Self-Sufficiency Promotion Legislative

Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(uuu) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(uuu) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-217.5. Determination of need.

(a) The Mayor, in determining the need for public assistance, shall permit:

(1) Repealed.

(2) Applicants for, or recipients of, TANF to retain resources up to the maximum allowable amount of resources that would be permitted to be retained by a household under the Food Stamp Program established pursuant to the Food Stamp Act of 1977, approved September 29, 1977 (91 Stat. 958; 7 U.S.C. § 2011 et seq.) ("Food Stamp Program"), if the Food Stamp household were composed of the members of the TANF assistance unit.

* * * * *

(b) The following shall not be considered resources for the purposes of determining the resources of applicants or recipients of AFDC under subsection (a) (2) of this section:

* * * * *

(2) The value of a licensed vehicle, to the extent permitted under the Food Stamp Program to a household composed of the same members as constitute the TANF assistance unit.

* * * * *

(Mar. 20, 1998, D.C. Law 12-60, § 701(y), 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 2(vvv), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-60 deleted (a)(1).

D.C. Law 12-241 rewrote (a)(2) and (b)(2).

Temporary amendments of section. — Section 2(x) of D.C. Law 12-7 amended (a)(2), the introductory language of (b), and (b)(5) to read as follows:

"(a) The Mayor, in determining the need for public assistance, shall permit:

"(2) Applicants for, or recipients of, TANF to retain resources up to a total value of \$1,000 for the assistance unit. The value shall be reduced

by any obligations or debts with respect to such resources.

“(b) The following shall not be considered resources for the purposes of determining the resources of applicants or recipients of TANF under subsection (a) (2) of this section:

“(5) Real property, for a period of 9 months, that the family unit is making a good faith effort to sell if the family agrees to sign an agreement to dispose of the property and to use the proceeds of the sale to repay any TANF benefits it would not have received if the property had been sold at the beginning of the period. The family will not have to repay an amount greater than the net proceeds from the sale. If there are any remaining proceeds, these proceeds shall be considered a resource. If the property has not been sold within the specified time period, or eligibility stops for any other reason, the entire amount of aid paid during the period shall be treated as an overpayment. The Mayor shall define “good faith effort” for the purpose of this exclusion; and”

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(y) of D.C. Law 12-21 repealed (a)(1).

Section 8(b) of D.C. Law 12-21 provides that the act shall expire on the 225th day of its having taken effect.

Section 701(y) of D.C. Law 12-59 repealed (a)(1).

Section 2001(b) of D.C. Law 12-59 provided that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Section 2(x) of D.C. Law 12-130 amended (a)(2), the introductory language of (b), and (b)(5) to read as follows:

“(a) The Mayor, in determining the need for public assistance, shall permit:

“(2) Applicants for, or recipients of, TANF to retain resources up to a total value of \$1,000 for the assistance unit. The value shall be reduced by any obligations or debts with respect to such resources.

“(b) The following shall not be considered resources for the purposes of determining the resources of applicants or recipients of TANF under subsection (a) (2) of this section:

“(5) Real property, for a period of 9 months, that the family unit is making a good faith

effort to sell if the family agrees to sign an agreement to dispose of the property and to use the proceeds of the sale to repay any TANF benefits it would not have received if the property had been sold at the beginning of the period. The family will not have to repay an amount greater than the net proceeds from the sale. If there are any remaining proceeds, these proceeds shall be considered a resource. If the property has not been sold within the specified time period, or eligibility stops for any other reason, the entire amount of aid paid during the period shall be treated as an overpayment. The Mayor shall define “good faith effort” for the purpose of this exclusion; and”

Section 7(b) of D.C. Law 12-130 provided that the act shall expire after 225 days of its having taken effect.

Section 2(vvv) of D.C. Law 12-230 rewrote (a)(2) and (b)(2).

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(y) of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 701(y) of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and see § 701(y) of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Section 2002 of D.C. Act 12-152 provides for the application of the act.

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(vvv) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(vvv) of the Self-Sufficiency Promotion Legislative Re-

view Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(vvv) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(vvv) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-21. — See note to § 3-201.1.

Legislative history of Law 12-59. — See note to § 3-201.1.

Legislative history of Law 12-60. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 3-217.6. Monies applied to purchase of essential article.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 1706, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2 (www), 46 DCR 905.)

Temporary repeal of section. — Section 2(www) of D.C. Law 12-230 repealed this section.

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 2(www) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(www) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(www) of the Self-Sufficiency Promotion Congressional

Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(www) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-217.7. Condition of eligibility — Social Security number; assignment of support rights.

As a condition of eligibility, each applicant for or recipient of aid, including each child under the TANF or foster care programs operated pursuant to Part A of Title IV of the Social Security Act (42 U.S.C. § 601 et seq.) shall be required to:

* * * * *

(2) Assign to the District of Columbia support rights, consistent with § 3-205.19(b) and (c). (Apr. 6, 1982, D.C. Law 4-101, § 1707, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(xxx), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 substituted "TANF or foster care" for "AFDC, Emergency Assistance or AFDC Foster Assistance" in the introductory language; and rewrote (2).

Temporary amendment of section. — Section 2(x) of D.C. Law 12-7 amended the introductory language to read as follows:

"As a condition of eligibility, each applicant for or recipient of aid, including each child

under the TANF, Emergency Assistance, or TANF Foster Assistance programs operated pursuant to Part A of Title IV of the Social Security Act (42 U.S.C. § 601 et seq.) shall be required to:"

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(x) of D.C. Law 12-130 amended the introductory language to read as follows:

"As a condition of eligibility, each applicant for or recipient of aid, including each child under the TANF, Emergency Assistance, or TANF Foster Assistance programs operated pursuant to Part A of Title IV of the Social Security Act (42 U.S.C. § 601 et seq.) shall be required to:"

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(xxx) of D.C. Law 12-230 substituted "TANF or foster care" for "AFDC, Emergency Assistance or AFDC Foster Assistance" in the introductory language; and rewrote (2).

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act

of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(xxx) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(xxx) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(xxx) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(xxx) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1

§ 3-217.8. Same — Cooperation in identifying and locating parents, establishing paternity, obtaining support payments, and other payments.

(a) As a condition of eligibility for assistance under programs specified in § 3-217.7, unless good cause for refusing to cooperate is determined to exist pursuant to § 3-217.9, each applicant for, or recipient of, assistance shall be required to cooperate in good faith with the District of Columbia in:

(1) Identifying and locating the absent parent of a child with respect to whom an applicant or recipient requests or obtains assistance;

(2) Establishing the paternity of a child born out of wedlock with respect to whom an applicant or recipient requests or obtains assistance;

(3) Establishing a support order for a child with respect to whom an applicant or recipient requests or obtains assistance;

(4) Modifying any support order for a child with respect to whom an applicant or recipient requests or obtains assistance;

(5) Enforcing any support order for a child with respect to whom an applicant or recipient requests or obtains assistance; and

(6) Obtaining any other payment or property due the applicant, recipient, or child with respect to whom an applicant or recipient requests or obtains assistance.

(b) Before requiring cooperation under this section, the Mayor shall notify the applicant or recipient in writing of the right to be excepted from the requirement upon a showing of good cause. The notice shall include each requirement applicable to a good cause determination, and facts concerning the benefits, risks, and consequences of cooperation and pursuing child support.

(c) If the Mayor determines an applicant or recipient has failed to cooperate as required by subsection (a) of this section, without good cause, the IV-D agency shall promptly notify the applicant or recipient. The IV-D agency shall provide the basis for its determination of noncooperation in writing as part of the notice to the applicant or recipient.

(d) Any applicant or recipient aggrieved by the action or inaction of the Mayor regarding the determination of cooperation, noncooperation, or good cause for refusal to cooperate shall be entitled to a hearing. Hearing rights shall be provided in accordance with Title X.

(e) Each District of Columbia government agency involved in the administration of public assistance or the enforcement of child support obligations under title IV-D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.) shall make reasonable efforts to ensure that the applicant's, recipient's, or child's whereabouts are kept confidential and take other reasonable measures, within the agency's scope of authority, that are necessary to protect the applicant or recipient and the child from harm in any case in which:

- (1) A claim of good cause for noncooperation is pending;
- (2) A claim of good cause for noncooperation has been granted;
- (3) A civil protection order or temporary protection order has been entered with respect to the applicant, recipient, or the child with respect to whom assistance is claimed; or

(4) The Mayor has reason to believe that the release of the information may result in harm to the applicant or recipient or the child. (Apr. 6, 1982, D.C. Law 4-101, § 1708, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(yyy), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 rewrote the section.

Temporary amendment of section. — Section 2(u) of D.C. Law 12-7 amended this section to read as follows:

“(a) As a condition of eligibility for assistance under programs specified in § 3-217.7, unless good cause for refusing to cooperate is determined to exist in accordance with § 3-217.9, each applicant for, or recipient of, assistance shall be required to cooperate in good faith with the District of Columbia in:

“(1) Identifying and locating the absent parent of a child with respect to whom an applicant or recipient requests or obtains assistance;

“(2) Establishing the paternity of a child born out of wedlock with respect to whom an applicant or recipient requests or obtains assistance;

“(3) Establishing a support order for a child with respect to whom an applicant or recipient requests or obtains assistance;

“(4) Modifying any support order for a child with respect to whom an applicant or recipient requests or obtains assistance;

“(5) Enforcing any support order for a child with respect to whom an applicant or recipient requests or obtains assistance; and

“(6) Obtaining any other payment or property due the applicant, recipient, or child with respect to whom an applicant or recipient requests or obtains assistance.

“(b) Before requiring cooperation under this section, the Mayor shall notify the applicant or recipient orally and in writing of the right to be excepted from the requirement based on good cause. The notice shall include each require-

ment applicable to a good cause determination, and facts concerning the benefits, risks, and consequences of cooperation and pursuing child support.

“(c) If the Mayor determines an applicant or recipient has failed to cooperate as required by subsection (a) of this section, without good cause, the agency administering the District of Columbia child support program under title IV-D of the Social Security Act shall promptly notify the applicant or recipient. The agency shall provide the basis for its determination of noncooperation in writing as part of the notice to the applicant or recipient.

“(d) Any applicant or recipient aggrieved by the action or inaction of the Mayor regarding the determination of cooperation, noncooperation, or good cause for refusal to cooperate shall be entitled to a hearing. Hearing rights shall be provided in accordance with the provisions of Title X.

“(e) Each District of Columbia government agency involved in the administration of public assistance or the enforcement of child support obligations under title IV-D of the Social Security Act shall make all reasonable efforts to ensure that the applicant's, recipient's, or child's whereabouts are kept confidential and take other measures necessary to protect the applicant or recipient and the child from harm in any case in which:

“(1) A claim of good cause for noncooperation is pending;

“(2) A claim of good cause for noncooperation has been granted;

“(3) A civil protection order or temporary protection order has been entered with respect to the applicant, recipient, or the child with respect to whom assistance is claimed; or

“(4) The Mayor has reason to believe that the release of the information may result in harm to the applicant or recipient or the child.”

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(u) of D.C. Law 12-130 rewrote the section.

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(yyy) of D.C. Law 12-230 rewrote the section.

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(u) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(u) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(u) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(yyy) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(yyy) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(yyy) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(yyy) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-217.9. Nondisplacement by TANF recipients.

(a) An applicant for or recipient of aid shall be required to comply with the requirements of § 3-217.8, unless such applicant or recipient is found to have good cause for refusing to so cooperate as determined by the Mayor, in accordance with standards prescribed by the Mayor, and which standards shall take into consideration the best interests of the child on whose behalf aid is claimed.

(b) The Mayor shall make a timely determination of whether good cause exists.

(c) The agency administering assistance shall promptly report any information to the IV-D agency that is provided by the applicant or recipient that relates to a good cause determination.

(d) Assistance shall not be denied, delayed, reduced, or discontinued pending a determination of good cause for refusal to cooperate if the applicant or recipient has made a good faith effort to substantiate the claim.

(e) An applicant or recipient may claim good cause for noncooperation at any time. An applicant's or recipient's decision not to claim good cause shall not preclude the applicant or recipient from claiming good cause at a later date. (Apr. 6, 1982, D.C. Law 4-101, § 1709, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(zzz), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 substituted "Mayor" for "Secretary of Health and Human Services" in (a), and added (b); (c); (d); and (e).

Temporary amendment of section. — Section 2(v) of D.C. Law 12-7 amended this section to read as follows:

"(a) An applicant for or recipient of aid shall be required to comply with the requirements of § 3-217.8, unless such applicant or recipient is found to have good cause for refusing to so cooperate as determined by the Mayor, in accordance with standards prescribed by the Mayor, and which standards shall take into consideration the best interests of the child on whose behalf aid is claimed.

"(b) The Mayor shall make a timely determination whether good cause exists.

"(c) The agency administering assistance shall promptly report any information to the District of Columbia agency administering the child support program under title IV-D of the Social Security Act that is provided by the applicant or recipient that relates to a good cause determination.

"(d) Assistance shall not be denied, delayed, reduced, or discontinued pending a determination of good cause for refusal to cooperate, if the applicant or recipient has made a good faith effort to substantiate the claim.

"(e) An applicant or recipient may claim good cause for noncooperation at any time. An applicant's or recipient's decision not to claim good cause shall not preclude the applicant or recipient from claiming good cause at a later date."

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(v) of D.C. Law 12-130 substituted "Mayor" for "Secretary of Health and Human Services" in (a); and added (b), (c), (d), and (e).

Section 7(b) of D.C. Law 12-130 provided that the act shall expire after 225 days of its having taken effect.

D.C. Law 12-230 substituted "Mayor" for "Secretary of Health and Human Services" in (a); and added (b), (c), (d), and (e).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(v) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(v) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(v) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(zzz) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(zzz) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(zzz) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(zzz) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-217.10. Same — Effect of failure to comply.

(a) If an applicant or recipient claims good cause for noncooperation under § 3-217.9 and the Mayor determines that good cause does not exist, the applicant or recipient shall be notified and given an opportunity to cooperate, to withdraw the application for assistance, or to have the assistance case closed. Refusal to cooperate, after such notice and opportunity to cooperate, shall result in imposition of the sanctions provided in subsection (b) of this section.

(b) If an applicant for, or recipient of, assistance, who is the parent of the child with respect to whom assistance is claimed, fails to cooperate as required by § 3-217.8, and the Mayor has determined under § 3-217.9 that the applicant or recipient does not have good cause for noncooperation, the amount of the applicant's or recipient's public assistance grant shall be reduced by 25%.

(c) If the applicant or recipient complies with § 3-217.8 after a determination of noncooperation, the IV-D agency shall promptly notify the agency administering assistance for the family. The agency administering assistance shall restore assistance to the applicant or recipient in the month following the date of cooperation. (Apr. 6, 1982, D.C. Law 4-101, § 1710, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(aaaa), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 rewrote the section.

Temporary amendment of section. — Section 2(w) of D.C. Law 12-7 amended this section to read as follows:

“(a) If an applicant or recipient claims good cause for noncooperation under § 3-217.9 and the Mayor determines that good cause does not exist, the applicant or recipient shall be notified and given an opportunity to cooperate, to withdraw the application for assistance, or to have the assistance case closed. Refusal to cooperate, after such notice and opportunity to cooperate, shall result in imposition of the sanctions provided in subsection (b) of this section.

“(b) If an applicant for, or recipient of, assistance, who is the parent of the child with respect to whom assistance is claimed, fails to cooperate as required by § 3-217.8, and the Mayor has determined under § 3-217.9 that the applicant or recipient does not have good cause for noncooperation, the needs of the noncooperating parent and the needs of each child with respect to whom the parent refuses to cooperate shall not be considered in determining eligibility for TANF benefits.

“(e) If the applicant or recipient complies with § 3-217.8 after a determination of noncooperation, the agency administering the child support program under title IV-D of the Social Security Act shall promptly notify the agency administering assistance for the family. The agency administering assistance shall restore assistance to the applicant or recipient in the month following the date of cooperation.”

Section 7(b) of D.C. Law 12-7 provides that

the act shall expire after 225 days of its having taken effect.

Section 2(w) of D.C. Law 12-130 rewrote the section.

Section 7(b) of D.C. Law 12-130 provided that the act shall expire after 225 days of its having taken effect.

Section 2(aaaa) of D.C. Law 12-230 rewrote the section.

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(w) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(w) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(w) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(aaaa) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(aaaa)

of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(aaaa) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), § 2(aaaa) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

§ 2(aaaa) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270),

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1

Subchapter XVIII. Criminal Provisions.

§ 3-218.1. Fraud in obtaining public assistance; repayment; liability of family members; penalties.

(a) Any person who, with the intent to defraud, by means of false statement, failure to disclose information, or impersonation, or by other fraudulent device, obtains or attempts to obtain or any person who knowingly aids or abets such person in the obtaining or attempting to obtain: (1) any grant or payment of public assistance to which he is not entitled; (2) a larger amount of public assistance than that to which he or she is entitled; (3) payment of any forfeited grant of public assistance; or (4) a public assistance identification card; or any person who with intent to defraud the District aids or abets in the buying or in any way disposing of the real property of a recipient of public assistance shall be guilty of a misdemeanor and shall be sentenced to pay a fine of not more than \$500, or to imprisonment not to exceed one year, or both.

(b) Any person who for any reason obtains any payment of public assistance to which he is not entitled, or in excess of that to which he is entitled, shall be liable to repay such sum, or if continued on assistance, shall have future grants proportionately reduced until the excess amount received has been repaid. In any case in which, under this section, a person is liable to repay any sum, such sum may be collected without interest by civil action brought in the name of the District. Any repayment of General Public Assistance required by this subsection may, in the discretion of the Mayor, be waived in whole or in part, upon a finding by the Mayor that such repayment would deprive such person, his spouse, parent, or child of shelter or subsistence needed to enable such person, spouse, parent, or child to maintain a minimum standard of health and well-being. Collections of overpayments from TANF, POWER, or former Aid to Families with Dependent Children or former GPA recipients shall be made in accordance with rules promulgated by the Mayor.

(c) Any person who is a member of a family that applies for or receives TANF or POWER and who is found, by a federal or District of Columbia court or pursuant to an administrative hearing, on the basis of a plea of not guilty or nolo contendere or otherwise, to have intentionally:

(1) Made a false or misleading statement or misrepresented, concealed, or withheld facts; or

(2) Committed any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity for the purpose of establishing or

maintaining the eligibility of the family for aid or of increasing or preventing a reduction in the amount of the aid shall have his or her needs removed from the grant for a period of 6 months upon the first offense, 12 months upon the second offense, and permanently upon the third or a subsequent offense.

(d) The Mayor shall impose the disqualification penalties set forth in subsection (c) of this section upon any person who is a member of a family that applies for or receives TANF or POWER and who is found, after an administrative hearing, to have violated subsection (c) of this section, provided that only the person convicted of fraud shall be penalized and not the entire applicant family unit.

(e) The Mayor shall provide each applicant for TANF or POWER a written notice of the penalties for a finding of fraud pursuant to subsection (c) of this section at the time of his or her application for AFDC. (Apr. 6, 1982, D.C. Law 4-101, § 1801, 29 DCR 1060; June 30, 1989, D.C. Law 8-14, § 2, 36 DCR 3693; Aug. 17, 1991, D.C. Law 9-19, title I, § 101(l), 38 DCR 4066; Aug. 17, 1991, D.C. Law 9-27, § 2(l), 38 DCR 4205; Apr. 20, 1999, D.C. Law 12-241, § 2(bbbb), 46 DCR 905; Apr. 20, 1999, D.C. Law 12-254, § 2(a), 46 DCR 1276.)

Effect of amendments.

D.C. Law 12-241 substituted the current last sentence for the former last two sentences in (b); in (c), substituted "TANF or POWER" for "Aid to Families with Dependent Children ('AFDC')"; and in (d) and (e), substituted "TANF or POWER" for "AFDC" throughout.

D.C. Law 12-254 inserted "with the intent to defraud" in the first sentence in (a).

Temporary amendment of section. — Section 2(x) of D.C. Law 12-7 amended (b), the introductory language of (c), (d) and (e) to read as follows:

"(b) Any person who for any reason obtains any payment of public assistance to which he is not entitled, or in excess of that to which he is entitled, shall be liable to repay such sum, or if continued on assistance, shall have future grants proportionately reduced until the excess amount received has been repaid. In any case in which, under this section, a person is liable to repay any sum, such sum may be collected without interest by civil action brought in the name of the District. Any repayment of General Public Assistance required by this subsection may, in the discretion of the Mayor, be waived in whole or in part, upon a finding by the Mayor that such repayment would deprive such person, his spouse, parent, or child of shelter or subsistence needed to enable such person, spouse, parent, or child to maintain a minimum standard of health and well-being. Collections of overpayments from TANF recipients shall be made in accordance with 45 CFR 233.20(a)(13). Computation of the amount to be recovered each month from a GPA recipient shall be in accordance with 45 CFR 233.20(a)(13).

"(c) Any person who is a member of a family that applies for or receives Aid to Families with Dependent Children ("TANF") and who is found, by a federal or District of Columbia court

or pursuant to an administrative hearing, on the basis of a plea of not guilty or nolo contendere or otherwise, to have intentionally:

"(d) The Mayor shall impose the disqualification penalties set forth in subsection (c) of this section upon any person who is a member of a family that applies for or receives TANF and who is found, after an administrative hearing, to have violated subsection (c) of this section, provided that only the person convicted of fraud shall be penalized and not the entire applicant family unit.

"(e) The Mayor shall provide each applicant for TANF a written notice of the penalties for a finding of fraud pursuant to subsection (c) of this section at the time of his or her application for TANF."

Section 7(b) of D.C. Law 12-7 provides that the act shall expire after 225 days of its having taken effect.

Section 2(x) of D.C. Law 12-130 amended (b) and the introductory language of (c), (d) and (e) to read as follows:

"(b) Any person who for any reason obtains any payment of public assistance to which he is not entitled, or in excess of that to which he is entitled, shall be liable to repay such sum, or if continued on assistance, shall have future grants proportionately reduced until the excess amount received has been repaid. In any case in which, under this section, a person is liable to repay any sum, such sum may be collected without interest by civil action brought in the name of the District. Any repayment of General Public Assistance required by this subsection may, in the discretion of the Mayor, be waived in whole or in part, upon a finding by the Mayor that such repayment would deprive such person, his spouse, parent, or child of shelter or

subsistence needed to enable such person, spouse, parent, or child to maintain a minimum standard of health and well-being. Collections of overpayments from TANF recipients shall be made in accordance with 45 CFR 233.20(a)(13). Computation of the amount to be recovered each month from a GPA recipient shall be in accordance with 45 CFR 233.20(a)(13).

"(c) Any person who is a member of a family that applies for or receives Aid to Families with Dependent Children ("TANF") and who is found, by a federal or District of Columbia court or pursuant to an administrative hearing, on the basis of a plea of not guilty or nolo contendere or otherwise, to have intentionally:

"(d) The Mayor shall impose the disqualification penalties set forth in subsection (c) of this section upon any person who is a member of a family that applies for or receives TANF and who is found, after an administrative hearing, to have violated subsection (c) of this section, provided that only the person convicted of fraud shall be penalized and not the entire applicant family unit.

"(e) The Mayor shall provide each applicant for TANF a written notice of the penalties for a finding of fraud pursuant to subsection (c) of this section at the time of his or her application for TANF."

Section 7(b) of D.C. Law 12-130 provides that the act shall expire after 225 days of its having taken effect.

Section 2(bbbb) of D.C. Law 12-230 substituted the current last sentence for the former last two sentences in (b); in (c), substituted "TANF or POWER" for "Aid to Families with Dependent Children ('AFDC)"; and in (d) and (e), substituted "TANF or POWER" for "AFDC" throughout.

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Temporary repeal of D.C. Law 12-130. — Section 17 of D.C. Law 12-230 provides that the Public Assistance Temporary Amendment Act of 1998, effective on July 24, 1998 (D.C. Law 12-130; 45 DCR 3084), is repealed.

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1997 (D.C. Act 12-25, February 27, 1997, 44 DCR 1778), and § 2(x) of the Public Assistance Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-77, May 27, 1997, 44 DCR 3181).

For temporary amendment of section, see § 2(x) of the Public Assistance Emergency Amendment Act of 1998 (D.C. Act 12-306, March 20, 1998, 45 DCR 1900).

Section 7 of D.C. Act 12-306 provided for the application of the act.

For temporary amendment of section, see § 2(bbbb) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(bbbb) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(bbbb) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(bbbb) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-7. — See note to § 3-201.1.

Legislative history of Law 12-130. — See note to § 3-201.1.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Legislative history of Law 12-254. — Law 12-254, the "Food Stamp Trafficking and Public Assistance Fraud Control Act of 1998," was introduced in Council and assigned Bill No. 12-520, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 29, 1998, it was assigned Act No. 12-602 and transmitted to both Houses of Congress for its review. D.C. Law 12-254 became effective on April 20, 1999.

§ 3-218.3. Unauthorized use of eligibility document.

Any person who sells any card or document issued by the District government to establish or verify eligibility for public assistance, or otherwise permits any person other than the recipient to whom it was issued to use such card or document to obtain public assistance which such user is not otherwise eligible to receive, shall be fined not more than \$500, or imprisoned for not longer than one year, or both. (Apr. 6, 1982, D.C. Law 4-101, § 1803, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(cccc), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 substituted “any card or document issued by the District government to establish or verify eligibility for public assistance” for “a public assistance identification card”; and inserted the second occurrence of “or document.”

Temporary amendment of section. — Section 2(cccc) of D. C. Law 12-230 substituted “any card or document issued by the District government to establish or verify eligibility for public assistance” for “a public assistance identification card”; and inserted the second occurrence of “or document.”

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(cccc) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June

9, 1998, 45 DCR 4270), § 2(cccc) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(cccc) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(cccc) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

§ 3-218.4. Prosecutions; subpoenas; witness fees; perjury; compulsion of obedience to subpoena; oaths.

(a) In addition to any power to bring criminal or civil actions or otherwise carry out the duties under this chapter, the Corporation Counsel shall have the authority to issue subpoenas for a witness to appear and testify or to produce all books, records, papers, or documents in any investigation into alleged violations of this chapter.

(b) A witness, other than those employed by the District of Columbia, summoned under subsection (a) of this section shall be paid the same fees and mileage that a witness is paid in the Superior Court of the District of Columbia (“Superior Court”), but the fees need not be tendered to the witness before he or she appears and testifies or produces books, records, papers, or documents.

(c) Any willful false swearing on the part of any witness testifying about a material fact pursuant to a subpoena issued under subsection (a) of this section shall be subject to prosecution pursuant to Chapter 25 of Title 22.

(d) If any witness, who has been personally summoned, neglects or refuses to obey the subpoena, the Corporation Counsel may report this fact to the Superior Court. The Superior Court may compel obedience to the subpoena to the same extent as a witness may be compelled to obey the subpoenas of that court.

(e) The Corporation Counsel may administer oaths to any witness summoned in any investigation under subsection (a) of this section. (Apr. 6, 1982, D.C. 4-101, § 1804, as added Apr. 20, 1999, D.C. Law 12-254, § 2(b), 46 DCR 1276.)

Effect of amendments. — D.C. Law 12-254 added this section.

Legislative history of Law 12-254. — See note to § 3-218.1.

§ 3-218.5. Penalties.

(a) Any person who knowingly uses, transfers, acquires, alters, purchases, possesses, or transports one or more food stamp coupons or access devices in a manner not authorized by the Food Stamp Act of 1964, approved August 31,

1964 (78 Stat. 703; 7 U.S.C. § 2011 et seq.) (“Food Stamp Act”), or by regulations issued pursuant to that Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined no more than \$1,000 or imprisoned for not more than 180 days, or both.

(b) In addition to the penalty in subsection (a) of this section, any person convicted of a misdemeanor under this section shall be subject to suspension by the Superior Court from participation in the District of Columbia food stamp program for a period of one year consecutive to that period of suspension mandated by section 6(b)(1) of the Food Stamp Act (7 U.S.C. § 2015(b)(1)).

(c) Prosecution under this section shall be conducted in the Superior Court by the Corporation Counsel.

(d) For purposes of this section, the term:

(1) “Access device” means any card, plate, code, account number, or other means of access, which can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods, or other things of value, or which can be used to initiate a transfer of funds under the Food Stamp Act or regulations issued pursuant to this section.

(2) “Food stamp coupon” means a coupon issued by the United States Department of Agriculture pursuant to the Food Stamp Act or regulations issued pursuant to the Food Stamp Act.

(3) “Person” means an individual, firm, partnership, group, corporation, institution, agency, or other entity, public or private. (Apr. 6, 1982, D.C. 4-101, § 1805, as added Apr. 20, 1999, D.C. Law 12-254, § 2(c), 46 DCR 1276.)

Effect of amendments. — D.C. Law 12-254 added this section.

Legislative history of Law 12-254 — See note to § 3-218.1.

§ 3-218.6. Suspension, revocation, or denial of a business license or permit.

(a) The Mayor is authorized to suspend, revoke, or deny the issuance or renewal of any business license or permit of any person or entity convicted of food stamp trafficking under this section, the Food Stamp Act, or regulations issued pursuant to the Food Stamp Act.

(b) Prior to the suspension, revocation, or denial of any business license or permit, the affected party shall be given notice, and shall be offered an opportunity to present evidence, and to be heard concerning the proposed action.

(c) In any hearing pursuant to subsection (b) of this section, a conviction shall create a presumption that the person or entity convicted of food stamp trafficking is unfit to hold the business license or permit at issue. (Apr. 6, 1982, D.C. 4-101, § 1806, as added Apr. 20, 1999, D.C. Law 12-254, § 2(d), 46 DCR 1276.)

Effect of amendments. — D.C. Law 12-254 added this section.

Legislative history of Law 12-254. — See note to § 3-218.1.

Subchapter XIX. Appropriations.

§ 3-219.2. Disbursement of expenses.

Repealed.

(Apr. 6, 1982, D.C. Law 4-101, § 1902, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2, 46 DCR 905.)

Temporary repeal of section — Section 2(dddd) of D. C. Law 12-230 repealed this section.

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 2(dddd) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(dddd) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 2(dddd) of the Self-Sufficiency Promotion Congressional

Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(dddd) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Subchapter XX. Nonrevival of Previously Repealed or Superseded Public Enactments; Nonabatement of Causes of Action.

§ 3-220.3. No new rights or entitlements created; exception.

No new rights or entitlements are created by this chapter. (Apr. 6, 1982, D.C. Law 4-101, § 2104, 29 DCR 1060; Apr. 20, 1999, D.C. Law 12-241, § 2(eeee), 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 deleted “Except as provided in § 3-205.52” from the beginning.

Temporary amendment of section. — Section 2(eeee) of D.C. Law 12-230 deleted “Except as provided in § 3-205.52” from the beginning.

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(eeee) of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 2(eeee) of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act

12-425, July 31, 1998, 45 DCR 5682), § 2(eeee) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 2(eeee) of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

CHAPTER 3. DAY CARE.

- Sec.
3-301. Definitions.
3-303. [Repealed].
3-304.1. Supplemental payments by the Mayor.
3-306. Responsibility of Department for payment.
3-309. Contracts with licensed child develop-

- Sec.
ment centers; payment for services.
3-310. Payments to child development homes and to in-home caregivers.
3-311. Standards for in-home care.
3-312. Compliance with District regulation.

§ 3-301. Definitions.

As used in this chapter:

* * * * *

(3A) The term “children of families who are at-risk” means children living in low-income working families with limited community and family resources or services available to them, such that they are at-risk of becoming dependent upon assistance from the TANF program.

* * * * *

(5A) The term “TANF” means the Temporary Assistance for Needy Families as defined § 3-201.1.

* * * * *

(Apr. 13, 1999, D.C. Law 12-216, § 2(a), 46 DCR 281.)

Section references. — This section is referred to in §§ 5-433, 47-1807.6 and 47-2751.

Effect of amendments. — D.C. Law 12-216 inserted (3A) and (5A).

Temporary amendment of section. — Section 2(a) of D.C. Law 12-72 inserted (3A) and (5A).

Section 5(b) of D.C. Law 12-72 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(a) of the Day Care Policy Emergency Amendment Act of 1997 (D.C. Act 12-207, December 15, 1997, 44 DCR 353).

Section 3 of D.C. Act 12-207 provided that the Mayor shall issue rules to implement the provision of the act.

For temporary amendment of section, see § 2(a) of the Day Care Policy Emergency Amendment Act of 1998 (D.C. Act 12-509, November 10, 1998, 45 DCR 8146), and § 2(a) of the Day Care Policy Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-12, February 8, 1999, 46 DCR 2330).

Section 5 of D.C. 13-12 provides for the application of the act.

For temporary provision relating to issuance of rules by the Mayor, see § 3 of the Day Care

Policy Emergency Amendment Act of 1998 (D.C. Act 12-509, November 10, 1998, 45 DCR 8146), and § 3 of the Day Care Policy Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-12, February 8, 1999, 46 DCR 2330).

Legislative history of Law 12-72. — Law 12-72, the “Day Care Policy Temporary Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-327, which was retained by Council. The Bill was adopted on first and second readings on November 4, 1997, and December 12, 1997, respectively. Signed by the Mayor on December 15, 1997, it was assigned Act No. 12-224 and transmitted to both Houses of Congress for its review. D.C. Law 12-72 became effective on March 20, 1998.

Legislative history of Law 12-216 — Law 12-216, the “Day Care Policy Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-328, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on October 6, 1998, and November 10, 1998, respectively. Signed by the Mayor on December 9, 1998, it was assigned Act No. 12-531 and transmitted to both Houses of Congress for its review. D.C. Law 12-216 became effective on April 13, 1999.

§ 3-302. Day care program authorized; funding system for child development facilities.

Civil liability. — This act, providing for programs to protect children of working parents from neglect and inadequate care, does not create a special class of children for protection, nor does it establish a special relationship on

which District of Columbia civil liability could be predicated as an exception to the “public duty” doctrine. *Brown v. District of Columbia*, 122 WLR 641 (Super. Ct. 1994).

§ 3-303. Payment of full cost by Department.

Repealed.

(1973 Ed., § 3-303; Sept. 19, 1979, D.C. Law 3-16, § 4, 26 DCR 20; Mar. 16, 1989, D.C. Law 7-215, § 2, 36 DCR 517; June 22, 1990, D.C. Law 8-144, § 3(a), 37 DCR 2974; Mar. 6, 1991, D.C. Law 8-202, § 3(a), 37 DCR 7937; Apr. 13, 1999, D.C. Law 12-216, § 2(b), 46 DCR 281.)

Temporary amendment of former section. — Section 5 of D.C. Law 12-230 purported to substitute “TANF or POWER” for “AFDC” throughout the section.

Emergency act amendments. — For temporary amendment of section, see § 5 of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 5 of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 5 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 5 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

For temporary repeal of section, see § 2(b) of the Day Care Policy Emergency Amendment Act of 1998 (D.C. Act 12-509, November 10, 1998, 45 DCR 8146), and § 2(b) of the Day Care Policy Congressional Review Emergency Amendment Act of 1999 (D.C. 13-12, February 8, 1999, 46 DCR 2330).

Section 5 of D.C. Act 13-12 provides for the application of the act.

Legislative history of Law 12-216. — See note to § 3-301.

Legislative history of Law 12-230. — See note to § 3-201.1.

Legislative history of Law 12-241. — See note to § 3-201.1.

Editor’s notes. — D.C. Law 12-241 purported to substitute “TANF or POWER” for “AFDC” throughout the section; however, the repeal by D.C. Law 12-216, § 2(b) has been given effect herein.

§ 3-304. Supplemental payments by Department.

Repealed.

(§ 3-304 1973 Ed., § 3-304; Sept. 19, 1979, D.C. Law 3-16, § 5, 26 DCR 20; Sept. 29, 1982, D.C. Law 4-163, § 2(b), 29 DCR 3974; June 22, 1990, D.C. Law 8-144, § 3(b), 37 DCR 2974; Mar. 6, 1991, D.C. Law 8-202, § 3(b), 37 DCR 7937; Apr. 13, 1999, D.C. Law 12-216, § 2(c), 46 DCR 281.)

Temporary amendment of former section. — Section 5 of D.C. Law 12-230 substituted “TANF or POWER” for “AFDC” in (6).

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of section, see § 2(c) of the Day Care Policy Emergency Amendment Act of 1998

(D.C. Act 12-509, November 10, 1998, 45 DCR 8146), and § 2(c) of the Day Care Policy Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-12, February 8, 1999, 46 DCR 2330).

Section 5 of D.C. Act 13-12 provides for the application of the act.

For temporary amendment of section, see § 5 of the Self-Sufficiency Promotion Emergency

Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 5 of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 5 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 5 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-216. — See note to § 3-301.

Legislative history of Law 12-230. — See note to § 3-201.

Editor's notes. — D.C. Law 12-241 purported to substitute "TANF or POWER" for "AFDC" in (6); however, the repeal by D.C. Law 12-216, § 2(c) has been given effect herein.

§ 3-304.1. Supplemental payments by the Mayor.

(a) The Mayor is hereby authorized to supplement the cost of child care services with District funds when appropriated and available for the following:

(1) Children of families who are receiving assistance under the TANF program and whose families are attempting through work activities to transition off the TANF program;

(2) Children of families who are at-risk of becoming dependent on the TANF program;

(3) Children of families who are low-income but working, as defined by the TANF program;

(4) Children receiving protective care services; and

(5) Children in foster care placement when the foster care provider is working, if only one foster care provider is in the home, when both foster care providers are working, if 2 foster care providers are in the home, and child care services are in the best interest of the child.

(b) Any child care funds available under Title IV-E of the Social Security Act, approved June 17, 1980 (94 Stat. 501; 42 U.S.C. § 670 et seq.), shall be the first source for reimbursement to the District for the cost of child care for children in foster care.

(c) The supplemental payment authorized by this section shall be paid, in accordance with a daily rate and sliding fee scale, directly to the child development center, child development home, relative, or in-home care giver actually providing services. (Sept. 19, 1979, D.C. Law 3-16, § 5a, as added Apr. 13, 1999, D.C. Law 12-216, § 2(d), 46 DCR 281.)

Effect of amendments. — D.C. Law 12-216 added this section.

Temporary addition of section. — Section 2(d) of D.C. Law 12-72 added this section.

Section 5(b) of D.C. Law 12-72 provides that the act shall expire after 225 days of its having taken effect.

Section 3 of D.C. Law 12-72 provides that the Mayor may issue rules to implement the provisions of the act.

Emergency act amendments. — For temporary addition of section, see § 2(d) of the Day Care Policy Emergency Amendment Act of 1998 (D.C. Act 12-509, November 10, 1998, 45 DCR 8146), and § 2(d) of the Day Care Policy Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-12, February 8, 1999, 46 DCR 2330).

For temporary issuance of rules by the Mayor, see § 3 of the Day Care Policy Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-12, February 8, 1999, 46 DCR 2330).

Section 5 of D.C. Act 13-12 provides for the application of the act.

Legislative history of Law 12-72. — See note to § 3-301.

Legislative history of Law 12-216. — See note to § 3-301.

Mayor authorized to issue rules. — Section 3 of D.C. Law 12-261 authorized the Mayor to issue rules to implement the provisions of this section, pursuant to Title 1 of the District of Columbia Administrative Procedures Act, D.C. Code § 1-1501 et seq.

§ 3-306. Responsibility of Department for payment.

The Department shall be responsible for payment of day care fees to:

* * * * *

(2) A child development home or child development center that has contracted with the Mayor to provide day care services and that has documented that services were provided (this payment shall include payment for District and federal holidays and snow days);

* * * * *

(Apr. 13, 1999, D.C. Law 12-216, § 2(e), 46 DCR 281.)

Effect of amendments. — D.C. Law 12-216 rewrote (2).

Temporary amendment of section. — Section 2(e) of D.C. Law 12-72 amended (2) to read as follows:

“The Department shall be responsible for payment of day care fees to:

“(2) A child development home or child development center that has contracted with the Mayor to provide day care services and that has documented that services were provided (this payment shall include payment for District and federal holidays and snow days);”

Section 5(b) of D.C. Law 12-72 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2(e) of the Day Care Policy Emergency Amendment Act of 1997 (D.C. Act 12-207, December 15, 1997, 44 DCR 353), § 2(e) of the Day Care Policy Emergency Amendment Act of 1998 (D.C. Act 12-509, November 10, 1998, 45 DCR 8146), and § 2(e) of the Day Care Policy Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-12, February 8, 1999, 46 DCR 2330).

Section 5 of D.C. Act 13-12 provides for the application of the act.

Legislative history of Law 12-72. — See note to § 3-301.

Legislative history of Law 12-216. — See note to § 3-301.

§ 3-309. Contracts with licensed child development centers; payment for services.

(a) The Department shall, on an annual basis, enter into contracts or agreements with licensed child development centers to provide day care services for children described in § 3-304.1. Payment for such services shall be on the following basis:

(1) Subject to subsections (b) through (h) of this section, payments to child development centers for care of these children shall be made on a monthly basis according to the following rates:

(A) For full care other than that provided under subparagraph (B) of this paragraph, child development centers shall receive \$18 per day for each child, plus \$1 per day for each child to whom the child development center provides transportation.

(B) For full care provided only during summers and vacations to children who otherwise do not receive care under this section or who otherwise receive only part-time care, child development centers shall receive \$14.40 per day for each child.

(C) For part-time care, child development centers shall receive \$9 per day for each child.

(2) No child development center shall be paid more than its stated rate prior to the application of its sliding fee scale for children not eligible for subsidized care.

(3) The Mayor, pursuant to subchapter I of Chapter 15 of Title 1, shall issue rules to establish differentiated payment rates for child development centers that reflect variations in the costs of providing services to children of different age groups which shall not be below the rates established pursuant to subsections (a)(1) and (h)(2) of this section.

(b) For child development centers that reserve at least 25% of their classroom capacity for children eligible for funding under this chapter, the Department shall, on or before August 1, 1979, for fiscal year 1980 and at least 90 days prior to the beginning of each subsequent fiscal year, specify the number of spaces it projects will be utilized by children eligible for funding under this chapter during the next fiscal year, and provide written notification of its projection to each such center.

(c) Payment shall be made by the Department to child development centers for all such spaces specified for reservation in accordance with subsection (b) of this section, so long as they remain available and are able to be utilized by children eligible for funding under this chapter.

(d) Reimbursement by the Department to child development centers providing services on a year-round basis shall be based upon a 260-day year.

(e) The Mayor shall report to the Council of the District of Columbia, by July 1st each year, what impact the cost of living has had on the provision of day care services in the District during the preceding 12 months, and what the monthly utilization has been during that same period in each category of day care paid for by the District.

(f) The Department shall delegate the function of determining the eligibility of children to be served by each child development center whenever:

(1) The center has requested to perform this function; and

(2) The Department has determined, based on the center's current performance of this function or otherwise, that the center has exhibited a reasonable capability to carry out such function.

(g) The Department shall retain all fees collected from parents of eligible children pursuant to subsection (a) of this section as specified by the fee scale set forth in § 3-305.

(h) The rates established pursuant to subsection (a) of this section may be adjusted by the Mayor through promulgation of a rule in accordance with the rulemaking provisions of subchapter I of Chapter 15 of Title 1. (1973 Ed., § 3-309; Sept. 19, 1979, D.C. Law 3-16, § 10, 26 DCR 20; Mar. 15, 1985, D.C. Law 5-174, § 2(b), 32 DCR 743; Dec. 16, 1987, D.C. Law 7-57, § 2(a), 34 DCR 7081; July 29, 1988, D.C. Law 7-136, § 2(a), 35 DCR 4259; Aug. 17, 1991, D.C. Law 9-19, title I, § 103(a), 38 DCR 4066; Aug. 17, 1991, D.C. Law 9-28, § 2(a), 38 DCR 4211; Mar. 14, 1995, D.C. Law 10-198, § 2(a), 41 DCR 7172; Apr. 7, 1995, D.C. Law 11-2, § 2(a), 42 DCR 1068; Sept. 26, 1995, D.C. Law 11-52, § 503(a), 42 DCR 3684; Apr. 9, 1997, D.C. Law 11-255, § 9, 44 DCR; Apr. 13, 1999, D.C. Law 12-216, § 2(f), 46 DCR 281.)

Effect of amendments.

D.C. Law 11-2 added (a)(3).

D.C. Law 11-52 rewrote (g) and (h).

D.C. Law 11-255 validated previously made technical and stylistic corrections in (a)(3).

D.C. Law 12-216 substituted "§ 3-304.1" for

"§§ 3-303 and 3-304 who are two (2) years of age or older" in the introductory language of (a).

Temporary amendments of section.

Section 2(a) of D.C. Law 10-198 added (a)(3).

Section 3(b) of D.C. Law 10-198 provided that this act shall expire on the 225th day of its having taken effect.

Section 3 of D.C. Law 10-208 amended (8) (now (h)) to read as follows:

"(h) The rates established pursuant to paragraph (1) of this section may be adjusted by the Mayor to the levels in effect September 30, 1994, through promulgation of a rule in accordance with the rulemaking provisions of subchapter I of Chapter 15 of Title 1. Thereafter, any rate adjustment may also be made by the Mayor through rulemaking."

Section 3(b) [4(b)] of D.C. Law 10-208 provided that this act shall expire on the 225th day of its having taken effect.

Section 503(a) of D.C. Law 10-253 amended (7) and (8) (now (g) and (h)) to read as follows:

"(g) Child development centers may retain fees collected from parents of eligible children, as specified by the fee scale set forth in § 3-305, to be used by the centers to enrich the quality of services provided or to cover emergency expenditures approved by the Department; except that the Department shall retain from payments made to child development centers pursuant to paragraph (1) of this section the equivalent of \$1 per child per day in parent fees.

"(h) The rates established pursuant to paragraph (1) of this section may be adjusted by the Mayor through promulgation of a rule in accordance with the rulemaking provisions of Chapter 15 of Title 1."

Section 1301(b) of D.C. Law 10-253 provided that the act shall expire on the 225th day of its having taken effect or upon the effective date of the Multiyear Budget Spending Reduction and Support Act of 1995, whichever occurs first.

Section 2(f) of D.C. Law 12-72 amended the introductory language to read as follows:

"(a) The Department shall, on an annual basis, enter into contracts or agreements with licensed child development centers to provide day care services for children described in § 5a. Payment for such services shall be on the following basis:"

Section 5(b) of D.C. Law 12-72 provides that the act shall expire after 225 days of its having taken effect.

Emergency act amendments.

For temporary amendment of section, see § 2 (a) of the Day Care Policy Emergency Amendment Act of 1994 (D.C. Act 10-319, August 4, 1994, 41 DCR 5367), § 2 (a) of the Day Care Policy Congressional Adjournment Emergency Amendment Act of 1994 (D.C. Act 10-330, October 21, 1994, 41 DCR 7162), and § 2 (a) of the Day Care Policy Congressional Adjournment Emergency Amendment Act of 1995 (D.C. Act 11-2, January 18, 1995, 42 DCR 539).

For temporary amendment of section, see § 3

(a) of the Public Assistance and Day Care Policy Emergency Amendment Act of 1994 (D.C. Act 10-326, October 21, 1994, 41 DCR 7153).

For temporary amendment of section, see § 503(a) of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994 (D.C. Act 10-389, December 29, 1994, 42 DCR 197).

For temporary amendment of section, see § 401 of the Omnibus Budget Support Emergency Act of 1995 (D.C. Act 11-44, April 28, 1995, 42 DCR 2217) and § 503(a) of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

For temporary amendment of section, see § 2(f) of the Day Care Policy Emergency Amendment Act of 1997 (D.C. Act 12-207, December 15, 1997, 45 DCR 353), § 2(f) of the Day Care Policy Emergency Amendment Act of 1998 (D.C. Act 12-509, November 10, 1998, 45 DCR 8146), and § 2(f) of the Day Care Policy Congressional Emergency Amendment Act of 1999 (D.C. Act 13-12, 46 DCR 2330).

Section 5 of D.C. Act 13-12 provides for the application of the act.

Legislative history of Law 10-198. — Law 10-198, the "Day Care Policy Temporary Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-722. The Bill was adopted on first and second readings on July 19, 1994, and October 4, 1994, respectively. Signed by the Mayor on October 21, 1994, it was assigned Act No. 10-335 and transmitted to both Houses of Congress for its review. D.C. Law 10-198 became effective on March 14, 1995.

Legislative history of Law 10-208. — Law 10-208, the "Public Assistance and Day Care Policy Temporary Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-794. The Bill was adopted on first and second readings on October 4, 1994, and November 1, 1994, respectively. Signed by the Mayor on November 22, 1994, it was assigned Act No. 10-346 and transmitted to both Houses of Congress for its review. D.C. Law 10-208 became effective on March 14, 1995.

Legislative history of Law 10-253. — Law 10-253, the "Multiyear Budget Spending Reduction and Support Temporary Act of 1994," was introduced in Council and assigned Bill No. 10-857. The Bill was adopted on first and second readings on December 21, 1994, and January 3, 1995, respectively. Deemed approved without the signature of the Mayor on January 27, 1995, it was assigned Act No. 10-401 and transmitted to both Houses of Congress for its review. D.C. Law 10-253 became effective on March 23, 1995.

Legislative history of Law 11-2. — Law 11-2, the "Day Care Policy Amendment Act of 1995," was introduced in Council and assigned Bill No. 11-37, which was retained by Council. The Bill was adopted on first and second read-

ings on January 17, 1995, and February 7, 1995, respectively. Signed by the Mayor on February 17, 1995, it was assigned Act No. 11-9 and transmitted to both Houses of Congress for its review. D.C. Law 11-2 became effective on April 7, 1995.

Legislative history of Law 11-52. — Law 11-52, the “Omnibus Budget Support Act of 1995,” was introduced in Council and assigned Bill No. 11-218, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 19, 1995, and June 6, 1995, respectively. Signed by the Mayor on July 13, 1995, it was assigned Act No. 11-94 and transmitted to both Houses of Congress for its review. D.C. Law 11-52 became effective on September 26, 1995.

Legislative history of Law 11-255. — Law 11-255, the “Second Technical Amendments Act of 1996,” was introduced in Council and assigned Bill No. 11-905, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-519 and transmitted to both Houses of Congress for its review. D.C. Law 11-255 became effective on April 9, 1997.

Legislative history of Law 12-72. — See note to § 3-301.

Legislative history of Law 12-216. — See note to § 3-301.

Repeal of Law 10-208. — Section 507 of D.C. Law 11-52 repealed D.C. Law 10-208.

Section 506 of D.C. Law 10-253 provided for the temporary repeal of D.C. Law 10-208.

Section 1301(b) of D.C. Law 10-253 provided that the act shall expire on the 225th day of its having taken effect or upon the effective date of the Multiyear Budget Spending Reduction and Support Act of 1995, whichever occurs first.

For temporary repeal of the Public Assistance and Day Care Policy Temporary Amendment Act of 1994, enacted November 22, 1994, see § 507 of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

Delegation of Authority Pursuant to D.C. Law 3-16, the Day Care Policy Act of 1979. — See Mayor’s Order 94-230, November 7, 1994.

Editor’s notes. — This section is set out above to clarify the designations within the section.

§ 3-310. Payments to child development homes and to in-home caregivers.

* * * * *

(a-1) The Mayor, pursuant to subchapter I of Chapter 15 of Title 1, shall issue rules to establish differentiated payment rates for child development homes and in-home caregivers that reflect variations in the cost of providing services to children of different age groups which shall not be below the rates established pursuant to subsections (a) and (b)(2) of this section.

(b) The rates established pursuant to subsection (a) of this section may be adjusted by the Mayor through promulgation of a rule in accordance with the rulemaking provisions of subchapter I of Chapter 15 of Title 1. (Mar. 14, 1995, D.C. Law 10-198, § 2(b), 41 DCR 7172; Apr. 7, 1995, D.C. Law 11-2, § 2(b), 42 DCR 1068; Sept. 26, 1996, D.C. Law 11-52, § 503(b), 42 DCR 3684.)

Effect of amendments.

D.C. Law 11-2 inserted (a-1).

D.C. Law 11-52 rewrote (b).

Temporary amendments of section.

Section 2(b) of D.C. Law 10-198 inserted (a-1).

Section 3(b) of D.C. Law 10-198 provided that the act shall expire on the 225th day of its having taken effect.

Section 3(b) of D.C. Law 10-208 amended (b) to read as follows:

“(b) The rates established pursuant to subsection (a) of this section may be adjusted by the Mayor to the levels in effect September 30, 1994, through promulgation of a rule in accordance with the rulemaking provisions of sub-

chapter I of Chapter 15 of Title 1. Thereafter, any rate adjustment may also be made by the Mayor through rulemaking.”

Section 3(b) [4(b)] of D.C. Law 10-208 provided that the act shall expire on the 225th day of its having taken effect.

Section 503(b) of D.C. Law 10-253 amended (b) to read as follows:

“(b) The rates established pursuant to subsection (a) of this section may be adjusted by the Mayor through promulgation of a rule in accordance with the rulemaking provisions of Chapter 15 of Title 1.”

Section 1301(b) of D.C. Law 10-253 provided that the act shall expire on the 225th day of its having taken effect or upon the effective date of

the Multiyear Budget Spending Reduction and Support Act of 1995, whichever occurs first.

Emergency act amendments.

For temporary amendment of section, see § 2(b) of the Day Care Policy Emergency Amendment Act of 1994 (D.C. Act 10-319, August 4, 1994, 41 DCR 5367), § 2(b) of the Day Care Policy Congressional Adjournment Emergency Amendment Act of 1994 (D.C. Act 10-330, October 21, 1994, 41 DCR 7162), and § 2(b) of the Day Care Policy Congressional Adjournment Emergency Amendment Act of 1995 (D.C. Act 11-2, January 18, 1995, 42 DCR 539).

For temporary amendment of section, see § 3(b) of the Public Assistance and Day Care Policy Emergency Amendment Act of 1994 (D.C. Act 10-326, October 21, 1994, 41 DCR 7153).

For temporary amendment of section, see § 503(b) of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994 (D.C. Act 10-389, December 29, 1994, 42 DCR 197).

For temporary amendment of section, see § 503(b) of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

Legislative history of Law 10-198. — See note to § 3-309.

Legislative history of Law 10-208. — See note to § 3-309.

Legislative history of Law 10-253. — See note to § 3-309.

Legislative history of Law 11-2. — See note to § 3-309.

Legislative history of Law 11-52. — See note to § 3-309.

Repeal of Law 10-208. — Section 507 of D.C. Law 11-52 repealed D.C. Law 10-208.

Section 506 of D.C. Law 10-253 provided for the temporary repeal of D.C. Law 10-208.

Section 1301(b) of D.C. Law 10-253 provided that the act shall expire on the 225th day of its having taken effect or upon the effective date of the Multiyear Budget Spending Reduction and Support Act of 1995, whichever occurs first.

For temporary repeal of the Public Assistance and Day Care Policy Temporary Amendment Act of 1994, enacted November 22, 1994, see § 507 of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

Delegation of Authority Pursuant to D.C. Law 3-16, the Day Care Policy Act of 1979. — See Mayor's Order 94-230, November 7, 1994.

§ 3-311. Standards for in-home care.

Guidelines and standards for in-home care shall be as follows:

* * * * *

(2) In-home care may be provided, as appropriate and available, for children of eligible persons in training and during their subsequent employment, and for TANF or POWER children living with caretaker relatives (not parents) when day or night care is required due to employment of the caretaker relative;

* * * * *

(10) The in-home caregiver shall not care for children other than her own and the child or children of the TANF or POWER mother or caretaker relative;

* * * * *

(Apr. 20, 1999, D.C. Law 12-241, § 5, 46 DCR 905.)

Effect of amendments. — D.C. Law 12-241 substituted "TANF or POWER" for "AFDC" in (2), (10), and (11).

Temporary amendment of section. — Section 5 of D.C. Law 12-230 substituted "TANF or POWER" for "AFDC" in (2), (10), and (11).

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 5 of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 5 of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 5 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552,

December 24, 1998, 46 DCR 521), and § 5 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the retroactive application of the act.

Section 18 of D.C. Act 13-19 provides for the retroactive application of the act.

Legislative history of Law 12-230. — See note to § 3-303.

Legislative history of Law 12-241. — See note to § 3-303.

§ 3-312. Compliance with District regulation.

(a) Any child development center or child development home that contracts or agrees with the Department to provide day care shall comply with all applicable provisions of Regulation No. 74-34 (Child Development Facilities Regulation).

(b) Licenses issued to child development facilities or child development homes under this section or any other provision of law shall be issued as a Class A Public Health: Child Health and Welfare endorsement to a master business license under the master business license system as set forth in subchapter I-A of Chapter 28 of Title 47. (1973 Ed., § 3-312; Sept. 19, 1979, D.C. Law 3-16, § 13, 26 DCR 20; Apr. 20, 1999, D.C. Law 12-261, § 2003(f), 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 added (b).

Legislative history of Law 12-261 — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole.

The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

CHAPTER 4. COMPENSATION OF VICTIMS OF VIOLENT CRIME.

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§ 3-401. Definitions.

Repealed.

(Apr. 6, 1982, D.C. Law 4-100, § 2, 29 DCR 969; Sept. 26, 1990, D.C. Law 8-164, § 2, 37 DCR 4824; May 16, 1995, D.C. Law 10-255, § 8, 41 DCR 5193; Apr. 9, 1997, D.C. Law 11-243, § 20, 44 DCR 1142.)

Emergency act amendments. — For temporary repeal of §§ 3-401 through 3-415, see § 20 of the Victims of Violent Crime Compensation Emergency Act of 1996 (D.C. Act 11-447, December 5, 1996, 43 DCR 6669), and § 20 of the Victims of Violent Crime Compensation Congressional Review Emergency Act of 1997 (D.C. Act 12-34, March 11, 1997, 44 DCR 1915).

Legislative history of Law 11-243. — Law 11-243, the “Victims of Violent Crime Compen-

sation Act of 1996,” was introduced in Council and assigned Bill No. 11-657, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-503 and transmitted to both Houses of Congress for its review. D.C. Law 11-243 became effective on April 9, 1997.

§ 3-402. Eligibility.

Repealed.

(Apr. 6, 1982, D.C. Law 4-100, § 3, 29 DCR 969; Aug. 9, 1986, D.C. Law 6-136, § 2(a), 33 DCR 3796; Apr. 9, 1997, D.C. Law 11-243, § 20, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-401.

Legislative history of Law 11-243. — See note to § 3-401.

§ 3-403. Awards of compensation.

Repealed.

(Apr. 6, 1982, D.C. Law 4-100, § 4, 29 DCR 969; Apr. 9, 1997, D.C. Law 11-243, § 20, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-401.

Legislative history of Law 11-243. — See note to § 3-401.

§ 3-404. Emergency awards.

Repealed.

(Apr. 6, 1982, D.C. Law 4-100, § 5, 29 DCR 969; Apr. 9, 1997, D.C. Law 11-243, § 20, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-401.

Legislative history of Law 11-243. — See note to § 3-401.

§ 3-405. Attorneys fees.

Repealed.

(Apr. 6, 1982, D.C. Law 4-100, § 6, 29 DCR 969; Apr. 9, 1997, D.C. Law 11-243, § 20, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-401.

Legislative history of Law 11-243. — See note to § 3-401.

§ 3-406. Preservation of civil actions; subrogation.

Repealed.

(Apr. 6, 1982, D.C. Law 4-100, § 7, 29 DCR 969; Apr. 9, 1997, D.C. Law 11-243, § 20, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-401.

Legislative history of Law 11-243. — See note to § 3-401.

§ 3-407. Waiver of rights void; award exempt from execution or attachment.

Repealed.

(Apr. 6, 1982, D.C. Law 4-100, § 8, 29 DCR 969; Apr. 9, 1997, D.C. Law 11-243, § 20, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-401.

Legislative history of Law 11-243. — See note to § 3-401.

§ 3-408. False claims.

Repealed.

(Apr. 6, 1982, D.C. Law 4-100, § 9, 29 DCR 969; Apr. 9, 1997, D.C. Law 11-243, § 20, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-401.

Legislative history of Law 11-243. — See note to § 3-401.

§ 3-409. Administration; annual report to Council.

Repealed.

(Apr. 6, 1982, D.C. Law 4-100, § 10, 29 DCR 969; Apr. 9, 1997, D.C. Law 11-243, § 20, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-401.

Legislative history of Law 11-243. — See note to § 3-401.

§ 3-410. Duties and powers of Mayor.

Repealed.

(Apr. 6, 1982, D.C. Law 4-100, § 11, 29 DCR 969; Apr. 9, 1997, D.C. Law 11-243, § 20, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-401.

Legislative history of Law 11-243. — See note to § 3-401.

§ 3-411. Procedure.

Repealed.

(Apr. 6, 1982, D.C. Law 4-100, § 12, 29 DCR 969; Aug. 9, 1986, D.C. Law 6-136, § 2(b), 33 DCR 3796; Apr. 9, 1997, D.C. Law 11-243, § 20, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-401.

Legislative history of Law 11-243. — See note to § 3-401.

§ 3-412. Judicial review.

Repealed.

(Apr. 6, 1982, D.C. Law 4-100, § 13, 29 DCR 969; Apr. 9, 1997, D.C. Law 11-243, § 20, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-401.

Legislative history of Law 11-243. — See note to § 3-401.

§ 3-413. Crime Victims' Compensation Fund.

Repealed.

(Apr. 6, 1982, D.C. Law 4-100, § 14, 29 DCR 969; Apr. 9, 1997, D.C. Law 11-243, § 20, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-401.

Legislative history of Law 11-243. — See note to § 3-401.

§ 3-414. Costs.

Repealed.

(Apr. 6, 1982, D.C. Law 4-100, § 15, 29 DCR 969; Apr. 9, 1997, D.C. Law 11-243, § 20, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-401.

Legislative history of Law 11-243. — See note to § 3-401.

§ 3-415. Appropriations.

Repealed.

(Apr. 6, 1982, D.C. Law 4-100, § 16, 29 DCR 969; Apr. 9, 1997, D.C. Law 11-243, § 20, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-401.

Legislative history of Law 11-243. — See note to § 3-401.

§ 3-421. Definitions.

For the purposes of this chapter the term:

- (1) "Board" means the Crime Victims Compensation Appeals Board.
- (2) "Claimant" means a person who makes a claim for compensation under this chapter and who is a:
 - (A) Victim;
 - (B) Secondary victim; or
 - (C) Person acting on behalf of a victim or a secondary victim, but not including a provider of services.
- (3) "Collateral source" means a source of benefits or compensation available to a claimant for economic loss resulting from a crime of violence. This term includes payments or benefits from:
 - (A) The offender;
 - (B) The United States, District of Columbia, a state or territory of the United States or its political subdivisions, or an agency of the foregoing,

including Social Security, Medicare, Medicaid, Workers' Compensation, and Public Employees' Disability Compensation;

(C) A wage continuation program of an employer;

(D) A contract of life, health, disability, liability, or fire and casualty insurance, or a contract providing prepaid hospital or health care benefits;

(E) Proceeds of a lawsuit brought as a result of the crime; or

(F) Life insurance proceeds of more than \$50,000.

(4) "Commission" means the Crime Victims Compensation Advisory Commission.

(5) "Court" means the Superior Court of the District of Columbia.

(6) "Crime of violence" or "crime" means the offense of, or the attempt to commit the offense of, arson, assault, negligent homicide, sexual abuse, kidnapping, maliciously disfiguring another, manslaughter, murder, mayhem, riot, robbery, carjacking, cruelty to children, unlawful use of an explosive, including these offenses when motivated by bias as provided by Chapter 40 of Title 22, or any violation of §§ 40-712 and 40-716, notwithstanding that the offender lacked the capacity to commit the offense by reason of infancy, insanity, intoxication, or otherwise. These terms include an offense where the perpetrator and victim are members of the same family or household, an offense whether prosecuted under the District of Columbia Code or the United States Code, and a terrorist act or act of mass violence as defined in 18 U.S.C. 2331, committed in the District of Columbia against any person or outside of the United States against a resident of the District of Columbia. A crime occurs whether or not any person is identified, arrested, prosecuted, or convicted. Unless an application for rehearing, appeal, or petition for certiorari is pending or a new trial or hearing has been ordered, the conviction of a person whose acts gave rise to the claim is conclusive evidence that a crime was committed.

(7) "Economic loss" means, except for pain and suffering:

(A) Reasonable medical expenses incurred, whether provided in the District of Columbia or elsewhere;

(B) Funeral and burial expenses, including the reasonable cost of cremation or other chosen method of interment, not exceeding \$3,000 per death;

(C) In the case of battered partners or children, the cost of temporary emergency housing not exceeding 90 days;

(D) Loss of income or support incurred as a direct or indirect result of an injury or death;

(E) Loss of a victim's services by a secondary victim, including house-keeping and child care services;

(F) In the case of secondary victims, reasonable psychiatric, psychological, or mental health counseling expenses incurred as a direct result of the crime;

(G) Reasonable expenses incurred by the victim for physical or occupational therapy and rehabilitation;

(H) The cost of cleaning the crime scene, not exceeding \$1,000; and

(I) Unless the victim is deceased, the replacement value of the victim's clothing that is held for evidentiary purposes.

(8) "Fund" means the Crime Victims Compensation Fund.

(9) "Medical expenses" include:

(A) Ambulance, hospital, surgical, medical, nursing, dental, optometric, ophthalmologic, chiropractic, podiatric, in-patient mental health, and pregnancy-related care;

(B) Medical, dental, hearing, and surgical supplies;

(C) Crutches and prosthetic devices taken, lost, or destroyed during the commission of the crime, as well as new prosthetic devices which became necessary as a direct result of the crime and training in their use; and

(D) Out-patient mental health counseling expenses which became necessary as a direct result of the crime and which are provided by a:

(i) Licensed psychiatrist or psychologist;

(ii) Licensed social worker; or

(iii) Licensed marriage, family, or child counselor practicing within the scope of licensure.

(10) "Personal injury" means physical injury, emotional trauma, or both.

(11) "Program" means the Crime Victims Compensation Program.

(12) "Provider of services" means a person or entity providing services pursuant to paragraphs (7) and (9) of this subsection.

(13) "Secondary victim" means a:

(A) Victim's spouse, children, including natural born, step, and adopted, grandchildren, parents, stepparents, siblings, half siblings, or spouse's parents;

(B) Person who resides in the victim's household at the time of the crime or at the time of the discovery of the crime;

(C) Person who is a survivor of a victim and who was wholly or partially dependent upon the victim for care and support at the time of the commission of the crime upon which the claim is based, including a child of the victim born after the victim's death; or

(D) Person who legally assumes the obligation, or who voluntarily pays the medical expenses, or in the event of death caused by the crime, funeral and burial expenses, incurred as a direct result thereof.

(14) "Victim" means a person who suffers personal injury or death in the District of Columbia, a person who is a resident of the District of Columbia and suffers personal injury or death as a result of a terrorist act or act of mass violence committed outside of the United States, or a person who is a resident of the District of Columbia and who suffers personal injury or death outside the District of Columbia in a state that does not have a crime victims compensation program that is eligible for funding under the Victims of Crime Act of 1984 (98 Stat. 2170; 42 U.S.C. § 10601 et seq.), as a direct result of:

(A) A crime;

(B) Assisting lawfully to apprehend a person reasonably suspected of committing or attempting to commit a crime;

(C) Assisting a person against whom a crime has been committed or attempted, if the assistance was rendered in a reasonable manner;

(D) Attempting to prevent the commission of a crime; or

(E) A violation of §§ 40-712 and 40-716, or a comparable state law regarding driving infractions. (Apr. 9, 1997, D.C. Law 11-243, § 2, 44 DCR 1142.)

Emergency act amendments. — For temporary addition of chapter, see §§ 2 through 19 of the Victims of Violent Crime Compensation Emergency Act of 1996 (D.C. Act 11-447, December 5, 1996, 43 DCR 6669), and §§ 2-19 of the Victims of Violent Crime Compensation Congressional Review Emergency Act of 1997 (D.C. Act 12-34, March 11, 1997, 44 DCR 1915).

Legislative history of Law 11-243. — Law 11-243, the “Victims of Violent Crime Compen-

sation Act of 1996,” was introduced in Council and assigned Bill No. 11-657, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-503 and transmitted to both Houses of Congress for its review. D.C. Law 11-243 became effective on April 9, 1997.

§ 3-422. Establishment of a Crime Victims Compensation Program.

There is established a Crime Victims Compensation Program (“Program”) that shall administer all funds from all sources for the purpose of investigating and, where appropriate, compensating the claims of victims of violent crime in the District of Columbia. (Apr. 9, 1997, D.C. Law 11-243, § 3, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-421.

Legislative history of Law 11-243. — See note to § 3-421.

§ 3-423. Administration of Program.

(a) The administration of the Program is hereby designated to the Superior Court of the District of Columbia (“Court”), which shall issue rules and regulations as are necessary to carry out the provisions and purposes of this chapter.

(b) All records and computer software relating to the functions of the Program as originally established by the Victims of Violent Crime Compensation Act of 1981, effective April 6, 1982 (D.C. Law 4-100; D.C. Code § 3-401 et seq.), are hereby transferred to the Court for the exclusive purpose of operating the Program.

(c) The Court shall:

(1) Investigate claims filed pursuant to this chapter;

(2) Obtain from an agency or department of the District of Columbia government or the United States government information, data, and assistance that will enable the Court to determine if a crime was committed or attempted and whether the claimant is eligible for compensation under this chapter;

(3) Process and maintain claims in the order they are filed, including claims previously filed pursuant to the Victims of Violent Crime Compensation Act of 1981, effective April 6, 1982 (D.C. Law 4-100; D.C. Code § 3-401 et seq.);

(4) Determine each claim filed pursuant to this chapter and reinvestigate or reopen cases when necessary;

(5) Require and direct medical examination of victims or secondary victims when necessary;

(6) Publicize the existence of the Program and the procedure for obtaining compensation under the Program through the Court and the Crime Victims Compensation Appeals Board (“Board”), the District of Columbia Metropolitan Police Department, the U.S. Attorney’s Office, the Corporation Counsel of the District of Columbia, and other public or private agencies, organizations, and service providers; and

(7) Provide printed informational materials, including brochures and posters, in both English and Spanish. (Apr. 9, 1997, D.C. Law 11-243, § 4, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-421.

Legislative history of Law 11-243 — See note to § 3-421.

References in text. — “The Victims of Violent Crime Compensation Act of 1981, effective April 6, 1982 (D.C. Law 4-100; D.C. Code § 3-401 et seq.),” referred to in (b) and (c)(3), was repealed by D.C. Law 11-243, § 20, effective April 9, 1997.

Purpose. — The general purpose behind the Violent Crime Compensation Act of 1996 was to redesign the program so that it would be more effective in compensating crime victims, including removing operational responsibility from the Mayor and placing it with the Superior Court. *Parrish v. District of Columbia*, App. D.C., 718 A.2d 133 (1998).

§ 3-424. Crime Victims Compensation Advisory Commission; establishment; membership; duties.

(a) A Crime Victims Compensation Advisory Commission (“Commission”) is established and shall consist of 15 members appointed by the Chief Judge of the Court. The Chief Judge shall designate one of the members as the Commission’s Chairperson. The Chief Judge may make an appointment to fill an unexpired term.

(b) The Commission’s members shall serve for a term of 3 years and shall be eligible for reappointment. The members shall serve without compensation. The members shall elect any additional officers necessary for the efficient discharge of their duties.

(c) The Commission shall be composed of:

(1) The Chairperson of the Committee on the Judiciary of the Council of the District of Columbia or that person’s designee;

(2) One representative from the Office of the Corporation Counsel;

(3) One representative from the Victim Witness Assistance Unit of the U.S. Attorney’s Office;

(4) One person engaged full-time in law enforcement;

(5) One member of the Public Defender Service for the District of Columbia;

(6) One hospital staff person involved with emergency services;

(7) One representative of the District of Columbia Department of Corrections;

(8) One person licensed to provide mental health counseling;

(9) One crime victim or survivor;

(10) One member of the public who has demonstrated a knowledge of, and sensitivity to, victim issues; and

(11) Five victim service providers representing victims of homicide, sexual assault, domestic violence, child abuse, and drunk driving.

(d) The Commission shall:

(1) Provide information, training, and technical assistance to the Court and be available to consult with and advise the Court on rules and regulations for the administration of the Program;

(2) Develop ongoing public awareness efforts and assist the Court in publicizing the Program; and

(3) Review the annual report submitted by the Court to the Council of the District of Columbia, advise the Council of deficiencies in the Program, and suggest necessary changes. (Apr. 9, 1997, D.C. Law 11-243, § 5, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-421.

Legislative history of Law 11-243. — See note to § 3-421.

§ 3-425. Crime Victims Compensation Appeals Board; establishment; membership; duties.

(a) A Crime Victims Compensation Appeals Board (“Board”) is established in the Court. The Chief Judge shall appoint 5 members to the Board from among the membership of the Commission. Board members shall serve at the Chief Judge’s pleasure, reflect a variety of disciplines, and include at least 1 attorney. The Chief Judge shall designate 1 member to serve as the Board’s Chairperson, and may appoint qualified members of the Commission to serve as alternates on the Board when Board members are not available.

(b) Board members shall serve without compensation but may receive reimbursement for expenses in a manner and amount to be determined by the Court.

(c) The Board shall meet at least quarterly to hear appeals in contested cases as provided in § 3-437(d). (Apr. 9, 1997, D.C. Law 11-243, § 6, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-421.

Legislative history of Law 11-243. — See note to § 3-421.

§ 3-426. Eligibility for compensation.

(a) A victim or secondary victim is eligible to receive compensation under this chapter if he or she:

- (1) Suffered personal injury as a result of a crime;
- (2) Filed a claim under this chapter within 1 year after the crime occurred or 1 year after learning of the Program with an adequate showing that the delay in learning of the Program was reasonable; and
- (3) Reported the crime to a law enforcement office within 7 days of its occurrence. If the crime cannot be reasonably reported within that time period, the crime must be reported within 7 days from the time a report can reasonably be made.

(b) The offender shall not be unjustly enriched by an award of compensation to the claimant, except that this requirement may be waived in cases involving extraordinary circumstances where the interests of justice so require.

(c) Notwithstanding subsection (a)(3) of this section, a victim who has been sexually abused or subjected to unlawful sexual conduct or domestic abuse and who does not report the crime to the local police department, may:

- (1) In the case of domestic abuse victims, satisfy the reporting requirement by seeking a civil protection order from the Corporation Counsel of the District of Columbia; and
- (2) In the case of sexual assault victims, satisfy the reporting requirement by seeking a sexual assault examination from a medical treatment facility.

(d) The time limit requirements of this section may be waived for good cause shown, including compelling health or safety concerns. (Apr. 9, 1997, D.C. Law 11-243, § 7, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-421.

Legislative history of Law 11-243. — See note to § 3-421.

§ 3-427. Awards of compensation.

(a) The Court shall award compensation in an amount equal to the claimant's economic loss, decreased by the amount available to the claimant from collateral sources.

(b) The Court shall not award compensation in an amount exceeding \$25,000.

(c) The Court shall calculate awards in a fair and equitable manner.

(d) The payment of compensation may provide for apportionment, the holding of the compensation or any part thereof in trust, payment in a lump sum or periodic installments, or payment directly to the provider of medical services or economic loss expenses.

(e) An award is not subject to enforcement, attachment, or garnishment, except that an award may be subject to a claim of a creditor if the cost of products, services, or accommodations included in the award were covered by the creditor.

(f) If a claimant is awarded compensation prior to the sentencing of an offender convicted of the crime which was the subject of the claim, the Court shall notify the sentencing judge of the amount of the award, notwithstanding that the files and records of the claim remain otherwise confidential as provided in § 3-431. Restitution ordered for an offense that was the basis for an award under this chapter, up to the amount of the award, shall be payable directly to the Fund as provided in § 3-429. (Apr. 9, 1997, D.C. Law 11-243, § 8, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-421.

Legislative history of Law 11-243. — See note to § 3-421.

§ 3-428. Disqualifications and reductions.

(a) The Court shall not award compensation if the:

(1) Claimant knowingly or willingly participated in the commission of the crime which forms the basis for the claim; or

(2) Injury or death for which compensation is sought was caused by the victim's consent, substantial provocation, or substantial incitement.

(b) An application for assistance may be denied, in whole or in part, if the Court finds:

(1) Denial is appropriate due to the nature of the victim's or secondary victim's involvement in the events leading to the relevant crime; or

(2) The claimant failed to provide information to a requesting law enforcement agency or did not reasonably cooperate with law enforcement officials in apprehending the offender. Refusal of a victim or claimant to testify against the offender may be excused if testifying would subject the victim or claimant to a substantial risk of serious physical or emotional injury.

(c) Notwithstanding subsections (a) and (b) of this section, if the victim is found to have willingly or knowingly participated, consented, provoked, or incited the crime, a secondary victim is not automatically precluded from compensation.

(d) Gang membership or co-habitation with the offender is not considered a disqualifying factor under subsections (a) or (b) of this section, unless the claimant will be substantially and unjustly enriched by the award. (Apr. 9, 1997, D.C. Law 11-243, § 9, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-421.

Legislative history of Law 11-243. — See note to § 3-421.

§ 3-429. Preservation of civil actions; subrogation.

(a) A claimant or the claimant's successors in interest retain the right to recover damages from the offender or third parties, and the right to restitution from the offender.

(b) To the extent that the Court has made payment to or on behalf of the victim, restitution, if imposed by the Court, shall be paid to the Fund.

(c) The District of Columbia is subrogated to the claimant's right against the offender or third parties to the extent of any compensation awarded under this chapter. The District of Columbia may initiate a lawsuit against the offender for damages or restitution or against third parties for damages.

(d) The claimant shall notify the Corporation Counsel of the District of Columbia if a lawsuit for restitution or damages is instituted. The District of Columbia may intervene in the lawsuit and is privy to a lien on recovery made from the lawsuit. If the funds are retrieved through subrogation, they shall be credited to the Fund.

(e) Application forms for compensation by the Program shall include a repayment subrogation agreement. (Apr. 9, 1997, D.C. Law 11-243, § 10, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-421.

Legislative history of Law 11-243. — See note to § 3-421.

§ 3-430. Emergency awards.

(a) If it appears likely that a final award will be made and that the claimant will suffer undue financial or emotional hardship if immediate financial assistance is not granted, an emergency award not exceeding \$1,000 may be made prior to the final determination.

(b) If compensation is awarded, the Court shall deduct the amount of the emergency award from the final award.

(c) If the emergency award is greater than the final award, the claimant shall repay the difference.

(d) If compensation is not awarded, the claimant shall repay the emergency award to the Fund.

(e) The District of Columbia may recover or institute a lien on outstanding funds. Any funds recovered shall be credited to the Fund. (Apr. 9, 1997, D.C. Law 11-243, § 11, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-421.

Legislative history of Law 11-243. — See note to § 3-421.

§ 3-431. Confidentiality.

(a) Information, records, and transcripts of hearings contained in the claims files under the provisions of this chapter are confidential and not open to public inspection, except that:

(1) A claimant or the representative of a claimant, whether an individual or an organization, may review that person's claim or receive specific information therefrom. Information shall be released to a claimant's representative only upon presentation of the signed authorization of the claimant.

(2) Physicians treating or examining claimants seeking benefits under this chapter or physicians giving medical advice to the Court regarding any claim, may, at the discretion of the Court, inspect the claims files and records of the claimant. Other persons may inspect a claimant's files and records only when rendering assistance to the Court on a matter pertaining to the administration of this chapter.

(b) The Court shall not include the name of any claimant in the annual report to the Council of the District of Columbia, unless authorized by the claimant.

(c) Each record or report obtained by the Court, the confidentiality of which is protected by any other law or regulation, remains confidential subject to that law or regulation. (Apr. 9, 1997, D.C. Law 11-243, § 12, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-421.

Legislative history of Law 11-243. — See note to § 3-421.

§ 3-432. Procedures for filing claims.

(a) A claim shall be initiated when the claimant timely submits a completed application to the Court. Claims may be filed in person or by mail. A claim may be filed by a person eligible for compensation as provided in § 3-426, or if that person is a minor or legally incompetent, by the claimant's parent, guardian, or personal representative.

(b) Upon receipt of a completed application, the Court shall examine written information submitted by the claimant and other documentary evidence. The Court may require additional information from the claimant and conduct investigations as necessary to determine whether the claimant is eligible for compensation and the amount, if any, of compensation to be awarded. The Court shall send a notice of the determination, and the reasons therefor, to the claimant by first class mail, along with instructions for requesting reconsideration or an appeal before the Board.

(c) The claimant may, within 30 days after receiving the notice of determination, request reconsideration based on new or previously unavailable information. The Court must render a decision based on the additional information within 30 days after receiving the information. The Court may affirm, modify, or reverse its initial decision. The Court shall send a notice of the decision on reconsideration, and the reasons therefor, to the claimant by first class mail, along with instructions for filing an appeal.

(d) The claimant may, within 30 days after receipt of the initial determination, or within 30 days after receipt of the decision on reconsideration, appeal the decision to the Board. The Board shall consider the appeal on the record at its next scheduled meeting if the Board has received the appeal and the record at least 5 days before the meeting. Within 20 days after the meeting, the Board shall render its decision in the case or give notice to the claimant that it will hold a hearing. The hearing shall occur within 30 days after the issuance of the notice. The Board shall render its decision in the case within 20 days after the hearing. The Court shall provide the claimant with written notice of the final determination of the claim. If the final determination was made pursuant to a hearing, the notice shall include findings of fact and conclusions of law.

(e) The claimant may agree in writing to a final determination at any time.

(f) The Court may reopen a claim at any time if new evidence reveals that the claimant was not eligible, was guilty of contributory misconduct, knowingly provided false information, or suppressed relevant information concerning a claim.

(g) The claimant may have an attorney or other representative present at any appeals proceeding. In addition to the amount of compensation awarded to a successful claimant, a reasonable fee may be awarded to the claimant's attorney for services rendered in connection with an appeals proceeding under this chapter. The fee may not exceed 10% of the claimant's award or \$500, whichever is less. Except for necessary costs, an attorney shall not charge, demand, receive, or collect a fee for services rendered in connection with a claim under this chapter in an amount larger than permitted by this section. The court shall notify the claimant of the availability of pro bono representation by clinical programs at area law schools.

(h) A final determination by the Board under this chapter may be appealed to the Chief Judge of the Court. Decisions of the Chief Judge shall be final. (Apr. 9, 1997, D.C. Law 11-243, § 13, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-421.

Legislative history of Law 11-243. — See note to § 3-421.

§ 3-433. False claims.

(a) It shall be a misdemeanor to knowingly submit false information or suppress relevant information concerning a claim under this chapter. Law enforcement authorities investigating possible false claims referred by the Court under this section have complete access to the claimant's files for the purpose of pursuing a false claim investigation.

(b) A person convicted of an offense under this section shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both. A person convicted of an offense under this section forfeits compensation under this chapter and shall repay to the District of Columbia all compensation received pursuant to this chapter. The United States Attorney's Office shall prosecute crimes under this section. (Apr. 9, 1997, D.C. Law 11-243, § 14, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-421.

Legislative history of Law 11-243. — See note to § 3-421.

§ 3-434. Annual report.

The Chief Judge of the Court shall report annually to the Council of the District of Columbia on the status and activities of the Program. The report shall include, but not be limited to, the following information:

- (1) An explanation of the procedures for filing and processing claims;
- (2) A description of the programs and policies instituted to promote public awareness about crime victims compensation;
- (3) An analysis of future needs and suggested Program improvements;
- (4) A copy of the application forms utilized under this chapter; and
- (5) A complete statistical analysis of the cases handled, including the:
 - (A) Number of claims filed;
 - (B) Number of claims approved and the amount of each award;
 - (C) Number of claims denied and the reasons for rejection;
 - (D) Average length of time to process a claim;
 - (E) Number of contested cases reviewed by the Board and the disposition of those cases;
 - (F) Number of contested cases reviewed by the Chief Judge and the disposition of those cases;
 - (G) Number of cases in which a claimant was represented by an attorney or a law student;
 - (H) Cumulative total of attorneys' fees paid;
 - (I) Breakdown of claims by age, sex, and primary language of the victim, type of crime committed, and other relevant facts;
 - (J) Individual amounts of revenues attributable to assessments on misdemeanor and traffic offenses;
 - (K) Number of cases pending, and the future liability of the Fund; and
 - (L) Total amount of program expenditures for benefit payments, personnel, and other administrative costs. (Apr. 9, 1997, D.C. Law 11-243, § 15, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-421.

Legislative history of Law 11-243. — See note to § 3-421.

§ 3-435. Crime Victims Compensation Fund.

(a) A fund is established to be administered by the Court and to be known as the Crime Victims Compensation Fund ("Fund") for the purpose of accounting for the financial operations of this chapter. Monies in the Fund shall not be commingled with the General Fund, nor shall the operation of the Fund impose a burden or charge on the general fund.

(b) All unexpended balances of appropriations, allocations, and other funds available, or to be made available, relating to the functions of the Program as originally established by the Victims of Violent Crime Compensation Act of 1981, effective April 6, 1982 (D.C. Law 4-100; D.C. Code § 3-401 et seq.), are hereby transferred to the Fund for the exclusive purpose of operating the Program.

(c) Monies in the Fund shall consist of all funds transferred from the Department of Human Services on April 9, 1997, any appropriations to the Fund under § 3-438, assessments imposed under § 3-436, monies recovered through subrogation or repayment under §§ 3-429, 3-430 and 3-433, costs

assessed under the Victims of Violent Crime Compensation Act of 1981 that are collected after April 9, 1997, and monies received from the federal government or other public or private sources for the purpose of the Fund.

(d) The monies in the Fund are not part of, nor shall they lapse into, the General Fund of the District or any other fund of the District, except as provided in this chapter.

(e) All compensation and attorneys' fees awarded under this chapter and administrative costs necessary to carry out this chapter shall be paid from, and subject to, the availability of monies in the Fund, *and no monies*

(f) The Auditor of the District of Columbia shall perform an audit of the Crime Victims Compensation Program that operated pursuant to the Victims of Violent Crime Compensation Act of 1981, effective April 6, 1982 (D.C. Law 4-100; D.C. Code § 3-401 et seq.), within 30 days of April 9, 1997 and the transfer of the Program to the Court. The audit shall include the number of claims satisfied in calendar years 1994, 1995, and 1996 and the respective amounts awarded; the number and status of all pending claims; the remaining unexpended balance in the Fund to be transferred to the Court for payment to victims and for the administrative costs of the Program; and the number of personnel positions and amount of personnel funding to be transferred to the Court. (Apr. 9, 1997, D.C. Law 11-243, § 16, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-421.

Legislative history of Law 11-243. — See note to § 3-421.

References in text. — "The Victims of Violent Crime Compensation Act of 1981, effective

April 6, 1982 (D.C. Law 4-100; D.C. Code § 3-401 et seq.)," referred to in (b) and (f), was repealed by D.C. Law 11-243, § 20, effective April 9, 1997.

§ 3-436. Assessments.

(a) In addition to and separate from punishment imposed, an assessment of \$100 for each violation of § 40-716, an assessment of between \$50 and \$250 for other serious traffic or misdemeanor offenses, and an assessment of between \$100 and \$5,000 for each felony offense shall be imposed upon each person convicted of or pleading guilty or nolo contendere to the offense in the Superior Court of the District of Columbia or any other court in which the offense is charged. The decision of the sentencing court regarding assessments is final. If an offender is indigent at the time of sentencing and is later employed for salary, receives compensation while on probation or parole, or is incarcerated in a facility of the Department of Corrections or elsewhere and receives wages or compensation therein, the amount of assessments under this section shall be paid from such salary, wages, or other compensation.

(b) The probation office of the Court shall monitor collection of assessments levied against defendants released on probation. The Department of Corrections shall monitor collection of assessments levied against incarcerated defendants. The District of Columbia Board of Parole shall consider satisfaction of assessments under this section when determining release of inmates eligible for parole. If an inmate is released on parole prior to satisfaction of an assessment, the District of Columbia Board of Parole shall monitor collection of the balance due.

(c) Assessments under this chapter shall be collected as fines. Failure to pay assessments as ordered by the Court will subject a defendant so ordered to

sanctions provided pursuant to § 16-706. (Apr. 9, 1997, D.C. Law 11-243, § 17, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-421.

Legislative history of Law 11-243. — See note to § 3-421.

Assessments mandatory. — There is no ambiguity in the statutory language, which imposes a duty on trial judges to assess appropriate sums on persons convicted of crimes; the assessments may not be waived. *Parrish v. District of Columbia*, App. D.C., 718 A.2d 133 (1998).

Allowing judges to waive the assessments would be patently inconsistent with the Council's explicit intention to collect more money to run the program. *Parrish v. District of Columbia*, App. D.C., 718 A.2d 133 (1998).

Misdemeanor offenses subject to this chapter. — The word "serious" modifies only the word "traffic" and, therefore, an assessment of \$50 to \$250 must be imposed for all misdemeanor offenses. *Parrish v. District of Columbia*, App. D.C., 718 A.2d 133 (1998).

§ 3-437. Duty of law enforcement agencies.

(a) All law enforcement agencies in the District of Columbia shall inform victims or secondary victims of the existence of the Program and provide application forms to victims and secondary victims.

(b) No law enforcement agency shall be civilly liable for a failure to comply with subsection (a) of this section.

(c) The Court shall provide application forms, other documents, and general information that law enforcement agencies may require to comply with this section. (Apr. 9, 1997, D.C. Law 11-243, § 18, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-421.

Legislative history of Law 11-243. — See note to § 3-421.

§ 3-438. Appropriations.

Funds may be appropriated as necessary to carry out this chapter. (Apr. 9, 1997, D.C. Law 11-243, § 19, 44 DCR 1142.)

Emergency act amendments. — See note to § 3-421.

Legislative history of Law 11-243. — See note to § 3-421.

CHAPTER 5. HEALTH-CARE ASSISTANCE REIMBURSEMENT.

§ 3-501. Definitions.

Cited in *Walker v. District of Columbia*, App. D.C., 682 A.2d 639 (1996).

§ 3-502. Right to reimbursement established; subrogation and assignment.

Cited in *Walker v. District of Columbia*, App. D.C., 682 A.2d 639 (1996); *Voytsechovska v. Albert*, 126 WLR 849 (Super. Ct. 1998).

§ 3-504. Enforcement of right; waiver.

“Undue hardship” to be read in light of situational context. — The exercise of discretion under subsection (b) of this section must take into account the overall statutory context in which the issue arises; the statutory requirement of “undue hardship” must be read in light of the limited income and financial difficulties that virtually all Medicaid recipients have as a result of their station in life. Walker v. District of Columbia, App. D.C., 682 A.2d 639 (1996).

Refusal to waive reimbursement claim upheld. — The trial court did not commit reversible error in ruling that the District properly refused to waive a claim for Medicaid reimbursement under subsection (b) of this section. Walker v. District of Columbia, App. D.C., 682 A.2d 639 (1996).

§ 3-507. Lien.

Determination of appropriate attorneys’ fees. — This section plainly does not require that the District contribute to attorneys’ fees whenever litigation brought by the beneficiary is successful in whole or in part, creating a lien in favor of the District; instead, the Mayor is to determine what, if any, contribution to the beneficiary’s costs and attorneys’ fees would be

appropriate. Walker v. District of Columbia, App. D.C., 682 A.2d 639 (1996).

Decision against contribution upheld. — A challenge on the record to the District’s decision against contribution under subsection (b) of this section was not successful. Walker v. District of Columbia, App. D.C., 682 A.2d 639 (1996).

CHAPTER 6. RIGHT TO OVERNIGHT SHELTER.

Subchapter I. General Provisions.

Sec.
3-602.1. Emergency Shelter and Support Services Program established.

Sec.
3-605.1. Participation in cost of emergency overnight shelter.

Subchapter I. General Provisions.

§ 3-601. Statement of policy.

D.C. Law Review. — For article, “The District of Columbia’s response to homelessness: Depending on the kindness of strangers,” see 2 D.C. L. Rev. 47 (1993).

No property interest created. — The District’s laws and regulations governing the city’s emergency family shelter program do not cre-

ate a constitutionally protected property interest in shelter, which in turn would require that the District’s allocation and appeal procedures satisfy due process standards. Washington Legal Clinic for Homeless v. Barry, 107 F.3d 32 (D.C. Cir. 1997).

§ 3-602.1. Emergency Shelter and Support Services Program established.

* * * * *

(c) The Coordinator shall be responsible for the administration of the Program and for ensuring the coordination of government services and programs for homeless persons in the District, including:

* * * * *

(7) Within a reasonable period of time after a homeless person’s entry into emergency shelter, the provision of assistance to complete an application for

any public assistance programs to which the homeless person is entitled, including Temporary Assistance for Needy Families, Program on Work, Employment, and Responsibility, Supplemental Security Income, and Food Stamps.

* * * * *

(e) In providing emergency overnight shelter services in accordance with this chapter, the Mayor may claim federal financial participation to the maximum extent allowable by law for assistance and services to homeless persons and families with minor children.

* * * * *

(Apr. 9, 1997, D.C. Law 11-192, § 2, 43 DCR 4285; Mar. 20, 1998, D.C. Law 12-60, § 702, 44 DCR 7378; Apr. 20, 1999, D.C. Law 12-241, § 6, 46 DCR 905.)

Effect of amendments. — D.C. Law 11-192 substituted “may claim” for “shall claim” in (e).

D.C. Law 12-60, in (c)(7), deleted “General Public Assistance” preceding “Aid to Families with Dependent Children.”

D.C. Law 12-241 substituted “Temporary Assistance for Needy Families, Program on Work, Employment, and Responsibility” for “Aid to Families with Dependent Children (AFDC)” in (c)(7).

Temporary amendments of section. — D.C. Law 11-24 substituted “may claim” for “shall claim” in (e).

Section 5(b) of D.C. Law 11-24 provided that the act shall expire on the 225th day of its having taken effect.

Section 3 of D.C. Law 12-21 deleted “General Public Assistance” preceding “Aid to Families with Dependent Children” in (c)(7).

Section 8(b) of D.C. Law 12-21 provides that the act shall expire after 225 days of its having taken effect.

Section 702 of D.C. Law 12-59, in (c)(7), deleted “General Public Assistance” preceding “Aid to Families with Dependent Children.”

Section 2001(b) of D.C. Law 12-59 provided that the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provided that the act shall apply as of October 1, 1997.

Section 6 of D.C. Law 12-230 substituted “Temporary Assistance for Needy Families, Program on Work, Employment, and Responsibility” for “Aid to Families with Dependent Children (AFDC)” in (c)(7).

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary amendment of section, see § 2 of the Emergency Assistance Clarification Emergency Amendment Act of 1995 (D.C. Act 11-36, April 11, 1995, 42 DCR 1839), § 2 of the Emergency Assistance Clarification Congressional Recess

Emergency Amendment Act of 1995 (D.C. Act 11-105, July 21, 1995, 42 DCR 4019), § 2 of the Emergency Assistance Clarification Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-425, October 28, 1996, 43 DCR 6141), § 2 of the Emergency Assistance Clarification Second Congressional Review Emergency Amendment Act of 1996 (D.C. Act 11-485, January 2, 1997, 44 DCR 630), and § 2 of the Emergency Assistance Clarification Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-42, March 31, 1997, 44 DCR 2091).

For temporary amendment of section, see § 3 of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 702 of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196) and § 702 of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Section 2002 of D.C. Act 12-152 provides for the application of the act.

For temporary amendment of section, see § 6 of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 6 of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 6 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 6 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 11-24. — Law 11-24, the “Emergency Assistance Clarification Temporary Amendment Act of 1995,” was introduced in Council and assigned Bill No. 11-187, which was retained by Council. The Bill was adopted on first and second readings on April 4, 1995, and May 2, 1995, respectively. Signed by the Mayor on May 15, 1995, it was assigned Act No. 11-52 and transmitted to both Houses of Congress for its review. D.C. Law 11-24 became effective on July 14, 1995.

Legislative history of Law 11-192. — Law 11-192, the “Emergency Assistance Clarification Amendment Act of 1996,” was introduced in Council and assigned Bill No. 11-188, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 4, 1996, and July 3, 1996, respectively. Signed by the Mayor on July 22, 1996, it was assigned Act No. 11-348 and transmitted to both Houses of Congress for its review. D.C. Law 11-192 became effective on April 9, 1996.

Legislative history of Law 12-21. — Law 12-21, the “General Public Assistance Program Termination Temporary Amendment Act of 1997,” was introduced in Council and assigned Bill No. 12-169. The Bill was adopted on first and second readings on May 6, 1997, and June 3, 1997, respectively. Signed by the Mayor on June 18, 1997, it was assigned Act No. 12-98 and transmitted to both Houses of Congress for its review. D.C. Law 12-21 became effective on September 23, 1997.

Legislative history of Law 12-59. — Law 12-59, the “Fiscal Year 1998 Revised Budget Support Temporary Act of 1997,” was introduced in Council and assigned Bill No. 12-350. The Bill was adopted on first and second readings on September 8, 1997, and September 22, 1997, respectively. Signed by the Mayor on October 24, 1997, it was assigned Act No. 12-190 and transmitted to both Houses of Congress for its review. D.C. Law 12-59 became effective on March 20, 1998.

Legislative history of Law 12-60. — Law 12-60, the “Fiscal Year 1998 Revised Budget

Support Act of 1998,” was introduced in Council and assigned Bill No. 12-353, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on September 8, 1997, and October 7, 1997, respectively. Signed by the Mayor on October 24, 1997, it was assigned Act No. 12-191 and transmitted to both Houses of Congress for its review. D.C. Law 12-60 became effective on March 20, 1998.

Legislative history of Law 12-230. — Law 12-230, the “Self-Sufficiency Promotion Temporary Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-557. The Bill was adopted on first and second readings on May 5, 1998, and July 30, 1998, respectively. Signed by the Mayor on August 18, 1998, it was assigned Act No. 12-443 and transmitted to both Houses of Congress for its review. D.C. Law 12-230 became effective on April 20, 1999.

Legislative history of Law 12-241. — Law 12-241, the “Self-Sufficiency Promotion Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-558, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on December 23, 1998, it was assigned Act No. 12-573 and transmitted to both Houses of Congress for its review. D.C. Law 12-241 became effective on April 20, 1999.

Application of Law 12-60. — Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

D.C. Law Review. — For article, “Combating unnecessary family separation: How to seek court-ordered housing for families in the District of Columbia neglect system,” see 2 D.C. L. Rev. 25 (1993).

McKinney Act assistance and services to the homeless. — This section and § 3-206.3 do not compel the Mayor to apply for McKinney Act assistance, 42 U.S.C. § 11432, nor do they embrace education or transportation services for the homeless. *Lampkin v. District of Columbia*, 886 F. Supp. 56 (D.D.C. 1995).

§ 3-605. Provision of overnight shelter.

No property interest created. — The District’s laws and regulations governing the city’s emergency family shelter program do not create a constitutionally protected property interest in shelter, which in turn would require that

the District’s allocation and appeal procedures satisfy due process standards. *Washington Legal Clinic for Homeless v. Barry*, 107 F.3d 32 (D.C. Cir. 1997).

§ 3-605.1. Participation in cost of emergency overnight shelter.

(a) Any person 18 years of age or older and any emancipated minor shall pay a reasonable fee for emergency overnight shelter and support services if the person is able to pay. In determining a person’s ability to pay, the Mayor shall

consider any income or assets from whatever source, including government assistance benefits. The fee may be equal to no more than 30% of the gross monthly household income, excluding the income of any dependent minor, expenses for work, and child care. The fee shall not constitute rent.

(b) The District government shall apply any amount that a person pays pursuant to subsection (a) of this section to the reasonable costs of shelter provided to the person by the District government.

(c) Any person 18 years of age or older shall provide a reasonable level of community service in exchange for the provision of emergency overnight shelter and support services if the person is unable to pay the reasonable fee in accordance with subsection (a) of this section.

(d) Upon receipt of emergency overnight shelter and support services from the District government, a person 18 years of age or older shall apply for government assistance benefits.

(e) A person 18 years of age or older who receives emergency overnight shelter and support services from the District government and who is unemployed or receiving government assistance benefits shall apply for and participate in an ongoing program of employment or employment or vocational training, or provide community assistance to the District.

(f) The Mayor may exempt any person from fulfilling the requirements of subsection (b) or (d) of this section if the person has a medically verifiable mental or physical disability. (Mar. 14, 1985, D.C. Law 5-146, § 6a, as added Mar. 6, 1991, D.C. Law 8-197, § 2(g), 37 DCR 4815; July 25, 1995, D.C. Law 11-29, § 3, 42 DCR 2950; Sept. 26, 1995, D.C. Law 11-52, § 504, 42 DCR 3684; Apr. 9, 1997, D.C. Law 11-255, § 10, 44 DCR 1271; Mar. 24, 1998, D.C. Law 12-81, § 8, 45 DCR 745.)

Effect of amendments. — D.C. Law 11-52, in (a), substituted “and any emancipated minor” for “who is not receiving AFDC benefits” in the first sentence, and substituted “gross monthly household income, excluding the income of any dependent minor,” for “person’s gross monthly income, excluding” in the third sentence; and rewrote (b).

D.C. Law 11-255 validated a previously made stylistic and technical correction in (a).

D.C. Law 12-81 validated a previously made technical correction.

Temporary amendment of section. — D.C. Law 11-29, in (a), substituted “and any emancipated minor” for “who is not receiving AFDC benefits” in the first sentence and substituted “gross monthly household income excluding the income of any dependent minor” for “person’s gross monthly income, excluding” in the third sentence; and rewrote (b).

Emergency act amendments. — For temporary amendment of section, see § 3 of the Human Services Spending Reduction Emergency Amendment Act of 1995 (D.C. Act 11-35, April 11, 1995, 42 DCR 1834) and § 3 of the Human Services Spending Reduction Congressional Recess Emergency Amendment Act of 1995 (D.C. Act 11-104, July 21, 1995, 42 DCR 4014).

For temporary amendment of section, see

§ 504 of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

Legislative history of Law 11-29. — Law 11-29, the “Human Services Reduction Temporary Amendment Act of 1995,” was introduced in Council and assigned Bill No. 11-209. The Bill was adopted on first and second readings on April 4, 1995, and May 2, 1995, respectively. Signed by the Mayor on May 26, 1995, it was assigned Act No. 11-59 and transmitted to both Houses of Congress for its review. D.C. Law 11-29 became effective on July 25, 1995.

Legislative history of Law 11-52. — Law 11-52, the “Omnibus Budget Support Act of 1995,” was introduced in Council and assigned Bill No. 11-218, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 19, 1995, and June 6, 1995, respectively. Signed by the Mayor on July 13, 1995, it was assigned Act No. 11-94 and transmitted to both Houses of Congress for its review. D.C. Law 11-52 became effective on September 26, 1995.

Legislative history of Law 11-255. — Law 11-255, the “Second Technical Amendments Act of 1996,” was introduced in Council and assigned Bill No. 11-905, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on Novem-

ber 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-519 and transmitted to both Houses of Congress for its review. D.C. Law 11-255 became effective on April 9, 1997.

Legislative history of Law 12-81. — Law 12-81, the “Technical Amendments Act of 1998,” was introduced in Council and assigned Bill No. 12-408, which was referred to the Committee of the Whole. The Bill was adopted on first

and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

Editor’s notes. — “Be” was inserted in the third sentence of (a) to correct an error in D.C. Law 8-197.

§ 3-606. Appeals.

No property interest created. — The District’s laws and regulations governing the city’s emergency family shelter program do not create a constitutionally protected property interest in shelter, which in turn would require that

the District’s allocation and appeal procedures satisfy due process standards. *Washington Legal Clinic for Homeless v. Barry*, 107 F.3d 32 (D.C. Cir. 1997).

§ 3-609. No creation of entitlement.

D.C. Law Review. — For article, “The District of Columbia’s response to homelessness: Depending on the kindness of strangers,” see 2 D.C. L. Rev. 47 (1993).

No property interest created. — The District’s laws and regulations governing the city’s emergency family shelter program do not cre-

ate a constitutionally protected property interest in shelter, which in turn would require that the District’s allocation and appeal procedures satisfy due process standards. *Washington Legal Clinic for Homeless v. Barry*, 107 F.3d 32 (D.C. Cir. 1997).

CHAPTER 7. MEDICAID PROVIDER FRAUD PREVENTION.

§ 3-701. Definitions.

Temporary compliance of the District of Columbia Medicaid program with the new federal requirements. — Sections 2-4 of D.C. Law 10-131 provided for the temporary compliance of the District of Columbia Medicaid program with the new federal requirements imposed by the Omnibus Budget Reconciliation Act of 1993.

Section 5(b) of D.C. Law 10-131 provided that the act shall expire on the 225th day of its having taken effect or upon the effective date of the Medicaid Benefits Protection Act of 1994, whichever occurs first.

CHAPTER 8. YOUTH RESIDENTIAL FACILITIES LICENSURES.

Sec.
3-802. License requirements.

§ 3-801. Definitions.

Cited in *LaShawn A. v. Barry*, 87 F.3d 1389 (D.C. Cir. 1996).

§ 3-802. License requirements.

* * * * *

(i) Any license issued pursuant to this section shall be issued as a Class A Public Health: Child Health and Welfare endorsement to a master business license under the master business license system as set forth in subchapter I-A of Chapter 28 of Title 47. (Aug. 13, 1986, D.C. Law 6-139, § 3, 33 DCR 3804; Apr. 20, 1999, D.C. Law 12-261, § 2003(g), 46 DCR 3142.)

Effect of amendments. — D.C. Law 12-261 added (i).

Legislative history of Law 12-261. — Law 12-261, the “Second Omnibus Regulatory Reform Amendment Act of 1998,” was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15,

1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

Cited in *Minnis v. District of Columbia Dep’t of Human Servs.*, App. D.C., 712 A.2d 1030 (1998).

§ 3-808. Enforcement and penalties.

Facilities entitled to hearing. — Only facilities located within District of Columbia are subject to the requirements of this chapter; therefore, only these facilities are entitled to hearing upon request when license has been suspended. *Minnis v. District of Columbia Dep’t of Human Servs.*, App. D.C., 712 A.2d 1030 (1998).

Petitioner residing in Maryland. — Petitioner who resided in Maryland, and who was

therefore not subject to the Youth Residential Facilities Licensure Act, had a right to challenge the removal of particular children from her foster home but was not entitled to a hearing to challenge the refusal by the Department of Human Services to place any other children in her home. *Minnis v. District of Columbia Dep’t of Human Servs.*, App. D.C., 712 A.2d 1030 (1998).

CHAPTER 10. EMERGENCY ASSISTANCE PROGRAM.

Sec.

3-1001 to 3-1032. [Repealed].

§ 3-1001. Definitions.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 2, 36 DCR 553; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — Section 7 of D.C. Law 12-230 repealed §§ 3-1001 through 3-1032 comprising this chapter.

Section 18(b) of D.C. Law 12-230 provided that the act shall expire after 225 days of its having taken effect.

Emergency act amendments. — For temporary repeal of §§ 3-1001 through 3-1032, see § 7 of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 7 of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act

12-425, July 31, 1998, 45 DCR 5682), § 7 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 7 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provides for the application of the act.

Section 18 of D.C. Act 13-19 provides for the application of the act.

Legislative history of Law 12-230. — Law

12-230, the "Self-Sufficiency Promotion Temporary Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-557. The Bill was adopted on first and second readings on May 5, 1998, and July 30, 1998, respectively. Signed by the Mayor on August 18, 1998, it was assigned Act No. 12-443 and transmitted to both Houses of Congress for its review. D.C. Law 12-230 became effective on April 20, 1999.

Legislative history of Law 12-241. — Law 12-241, the "Self-Sufficiency Promotion Amend-

ment Act of 1998," was introduced in Council and assigned Bill No. 12-558, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on December 23, 1998, it was assigned Act No. 12-573 and transmitted to both Houses of Congress for its review. D.C. Law 12-241 became effective on April 20, 1999.

§ 3-1002. Requirements.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 3, 36 DCR 553; Sept. 26, 1996, D.C. Law 11-52, § 505(a), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1003. Emergency assistance.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 4, 36 DCR 553; Aug. 17, 1991, D.C. Law 9-19, title I, § 102(a), 38 DCR 4066; Aug. 17, 1991, D.C. Law 9-27, § 3(a), 38 DCR 4205; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1004. Timeframes for emergency assistance; procedures for application.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 5, 36 DCR 553; July 23, 1994, D.C. Law 10-137, § 2, 41 DCR 3008; Apr. 18, 1996, D.C. Law 11-110, § 10, 43 DCR 530; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1005. Applicant unit.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 6, 36 DCR 553; Aug. 17, 1991, D.C. Law 9-19, title I, § 102(b), 38 DCR 4066; Aug. 17, 1991, D.C. Law 9-27, § 3(b), 38 DCR 4205; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1006. Residency requirement.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 7, 36 DCR 553; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1007. Employment requirement.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 8, 36 DCR 553; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1008. Income eligibility standard.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 9, 36 DCR 553; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1009. Income exempt from determination of eligibility.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 10, 36 DCR 553; Mar. 23, 1995, D.C. Law 10-253, § 504(b), 42 DCR 721; Sept. 26, 1995, D.C. Law 11-52, § 505(b), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1010. Income considered in determination of eligibility.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 11, 36 DCR 553; Aug. 17, 1991, D.C. Law 9-19, title I, § 102(c), 38 DCR 4066; Aug. 17, 1991, D.C. Law 9-27, § 3(c), 38 DCR 4205; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1011. Assets and resources exempt from determination of eligibility.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 12, 36 DCR 553; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1012. Assets and resources considered in determination of eligibility.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 13, 36 DCR 553; Feb. 5, 1994, D.C. Law 10-68, § 12, 40 DCR 6311; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1013. Computation of emergency assistance payments.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 14, 36 DCR 553; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1014. Emergency related eligibility.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 15, 36 DCR 553; Sept. 26, 1995, D.C. Law 11-52, § 505(d), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1015. Food emergency.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 16, 36 DCR 553; Sept. 26, 1995, D.C. Law 11-52, § 505(d), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1016. Clothing emergency.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 17, 36 DCR 553; Sept. 26, 1995, D.C. Law 11-52, § 505(e), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1017. Essential household items emergency.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 18, 36 DCR 553; Sept. 26, 1995, D.C. Law 11-52, § 505(f), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1018. Essential large appliances emergency.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 19, 36 DCR 553; Sept. 26, 1995, D.C. Law 11-52, § 505(g), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1019. Essential furniture emergency.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 20, 36 DCR 553; Sept. 26, 1995, D.C. Law 11-52, § 505(h), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1020. Rent emergency.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 21, 36 DCR 553; Sept. 26, 1995, D.C. Law 11-52, § 505(i), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1021. Mortgage emergency.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 22, 36 DCR 553; Sept. 26, 1995, D.C. Law 11-52, § 505(j), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1022. Essential home repairs emergency.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 23, 36 DCR 553; Sept. 26, 1995, D.C. Law 11-52, § 505(k), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1023. Storage and moving emergency.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 24, 36 DCR 553; Sept. 26, 1995, D.C. Law 11-52, § 505(l), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1024. Security or damage deposits.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 25, 36 DCR 553; Sept. 26, 1995, D.C. Law 11-52, § 505(m), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1025. Deposit for heat or utility emergency.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 26, 36 DCR 553; Sept. 26, 1995, D.C. Law 11-52, § 505(n), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1026. Utility emergency.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 27, 36 DCR 553; June 14, 1994, D.C. Law 10-128, § 601(a), 41 DCR 2096; Sept. 26, 1995, D.C. Law 11-52, § 505(o), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1027. Necessities of employment.

Repealed. (Mar. 16, 1989, D.C. Law 7-221, § 28, 36 DCR 553; Sept. 26, 1995, D.C. Law 11-52, § 505(p), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1028. Burial assistance.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 29, 36 DCR 553; Sept. 26, 1995, D.C. Law 11-52, § 505(q), 42 DCR 3684; Mar. 26, 1999, D.C. Law 12-175, § 2002, 45 DCR 7193; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

For temporary amendment of former § 3-1028, see § 1602 of the Fiscal Year 1999 Budget Support Emergency Act of 1998 (D.C. Act 12-401, July 13, 1998, 45 DCR 4794), § 1602 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1998 (D.C. Act 12-564, January 12, 1999, 46 DCR 669), and § 1602 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1999 (D.C. Act 13-41, March 31, 1999, 46 DCR 3446).

Section 1604 of D.C. Act 12-401 provided that Title XVI of the act shall expire after 225 days of its having taken effect.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

Editor's notes. — Section 3-1028 had been amended March 26, 1999 by D.C. Law 12-175, § 2002, 45 DCR 7193; however effect was given to the repeal of the section by D.C. Law 12-241, § 7, effective April 20, 1999.

§ 3-1029. Multiple emergency assistance requests.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 30, 36 DCR 553; June 14, 1994, D.C. Law 10-128, § 601(b), 41 DCR 2096; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1030. Waiver by Mayor.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 31, 36 DCR 553; Sept. 26, 1995, D.C. Law 11-52, § 505(r), 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1030.1. No creation of an entitlement.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 31a, as added Aug. 1, 1996, D.C. Law 11-152, § 102, 43 DCR 2978; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1031. Rules.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 32, 36 DCR 553; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.

§ 3-1032. Appeals.

Repealed.

(Mar. 16, 1989, D.C. Law 7-221, § 33, 36 DCR 553; Apr. 20, 1999, D.C. Law 12-241, § 7, 46 DCR 905.)

Temporary repeal of chapter. — See notes to § 3-1001.

Emergency act amendments. — See notes to § 3-1001.

Legislative history of Law 12-230. — See note to § 3-1001.

Legislative history of Law 12-241. — See note to § 3-1001.



